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 IN THE SENATE OF THE UNITED STATES

JULY 20, 2017

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

APRIL 16, 2018

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To amend the Homeland Security Act of 2002 to make certain improvements in the laws administered by the Secretary of Homeland Security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) ~~SHORT TITLE.~~—This Act may be cited as the
5 “Department of Homeland Security Authorization Act” or
6 the “DHS Authorization Act”.

7 (b) ~~TABLE OF CONTENTS.~~—The table of contents for
8 ~~this Act~~ is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References.

DIVISION A—HOMELAND SECURITY

TITLE I—DEPARTMENT OF HOMELAND SECURITY HEADQUARTERS

Sec. 1001. Short title.

Subtitle A—Headquarters Operations

Sec. 1101. Homeland security enterprise defined.

Sec. 1102. Functions and components of Headquarters of Department of Homeland Security.

Sec. 1103. Repeal of Director of Shared Services and Office of Counter-narcotics Enforcement of Department of Homeland Security.

Sec. 1104. Responsibilities and functions of Chief Privacy Officer.

Sec. 1105. Responsibilities of Chief Financial Officer.

Sec. 1106. Chief Information Officer.

Sec. 1107. Quadrennial Homeland Security review.

Sec. 1108. Office of Strategy, Policy, and Plans.

Sec. 1109. Office of External Affairs.

Sec. 1110. Chief Procurement Officer.

Sec. 1111. Chief Security Officer.

Sec. 1112. Office of Inspector General.

Sec. 1113. Office for Civil Rights and Civil Liberties.

Sec. 1114. Department of Homeland Security Rotation Program.

Sec. 1115. Future Years Homeland Security Program.

Sec. 1116. Field efficiencies plan.

Sec. 1117. Submission to Congress of information regarding reprogramming or transfer of Department of Homeland Security resources to respond to operational surges.

Sec. 1118. Report to Congress on cost savings and efficiency.

Sec. 1119. Research and development and CBRNE organizational review.

Sec. 1120. Activities related to children.

Subtitle B—Human Resources and Other Matters

Sec. 1131. Chief Human Capital Officer responsibilities.

Sec. 1132. Employee engagement steering committee and action plan.

Sec. 1133. Annual employee award program.

Sec. 1134. Independent investigation and implementation plan.

Sec. 1135. Timely guidance to DHS personnel regarding Executive orders.

Sec. 1136. Secretary's responsibilities regarding election infrastructure.

TITLE II—DEPARTMENT OF HOMELAND SECURITY ACQUISITION ACCOUNTABILITY AND EFFICIENCY

Sec. 1201. Definitions.

Subtitle A—Acquisition Authorities

Sec. 1211. Acquisition authorities for Under Secretary for Management of the Department of Homeland Security.

Sec. 1212. Acquisition authorities for Chief Financial Officer of the Department of Homeland Security.

- Sec. 1213. Acquisition authorities for Chief Information Officer of the Department of Homeland Security.
- Sec. 1214. Acquisition authorities for Program Accountability and Risk Management.
- Sec. 1215. Acquisition innovation.

Subtitle B—Acquisition Program Management Discipline

- Sec. 1221. Acquisition Review Board.
- Sec. 1222. Requirements to reduce duplication in acquisition programs.
- Sec. 1223. Department leadership council.
- Sec. 1224. Government Accountability Office review of Board and of requirements to reduce duplication in acquisition programs.
- Sec. 1225. Excluded party list system waivers.
- Sec. 1226. Inspector General oversight of suspension and debarment.

Subtitle C—Acquisition Program Management Accountability and Transparency

- Sec. 1231. Congressional notification for major acquisition programs.
- Sec. 1232. Multiyear Acquisition Strategy.
- Sec. 1233. Acquisition reports.

TITLE III—INTELLIGENCE AND INFORMATION SHARING

Subtitle A—Department of Homeland Security Intelligence Enterprise

- Sec. 1301. Homeland intelligence doctrine.
- Sec. 1302. Analysts for the Chief Intelligence Officer.
- Sec. 1303. Annual homeland terrorist threat assessments.
- Sec. 1304. Department of Homeland Security data framework.
- Sec. 1305. Establishment of Insider Threat Program.
- Sec. 1306. Threat assessment on terrorist use of virtual currency.
- Sec. 1307. Department of Homeland Security counterterrorism advisory board.
- Sec. 1308. Border and gang threat assessment.
- Sec. 1309. Security clearance management and administration.

Subtitle B—Stakeholder Information Sharing

- Sec. 1311. Department of Homeland Security Fusion Center Partnership Initiative.
- Sec. 1312. Fusion center personnel needs assessment.
- Sec. 1313. Program for State and local analyst clearances.
- Sec. 1314. Information technology assessment.
- Sec. 1315. Department of Homeland Security classified facility inventory and dissemination.
- Sec. 1316. Terror inmate information sharing.
- Sec. 1317. Annual report on Office for State and Local Law Enforcement.
- Sec. 1318. Annual catalog on Department of Homeland Security training, publications, programs, and services for State, local, and tribal law enforcement agencies.

TITLE IV—MARITIME SECURITY

- Sec. 1401. Strategic plan to enhance the security of the international supply chain.
- Sec. 1402. Container Security Initiative.
- Sec. 1403. Cyber at ports.

- Sec. 1404. Facility inspection intervals.
- Sec. 1405. Updates of maritime operations coordination plan.
- Sec. 1406. Evaluation of Coast Guard Deployable Specialized Forces.
- Sec. 1407. Cost benefit analysis of co-locating DHS assets.
- Sec. 1408. Repeal of interagency operational centers for port security and secure systems of transportation.
- Sec. 1409. Maritime security capabilities assessments.
- Sec. 1410. Conforming and clerical amendments.

TITLE V—TRANSPORTATION SECURITY ADMINISTRATION

Subtitle A—Administration

- Sec. 1501. Amendments to the Homeland Security Act of 2002 and title 5, United States Code.
- Sec. 1502. Amendments to title 49, United States Code.
- Sec. 1503. Amendments to the Aviation and Transportation Security Act.
- Sec. 1504. Information required to be submitted to Congress under the strategic 5-year technology investment plan of the Transportation Security Administration.
- Sec. 1505. Maintenance of security-related technology.
- Sec. 1506. Transportation Security Administration efficiency.
- Sec. 1507. Transportation senior executive service accountability.

Subtitle B—Passenger Security and Screening

- Sec. 1511. Department of Homeland Security trusted traveler program collaboration.
- Sec. 1512. PreCheck Biometric pilot project.
- Sec. 1513. Identity and travel document verification.
- Sec. 1514. Computed tomography pilot project.
- Sec. 1515. Explosives detection canine teams for aviation.
- Sec. 1516. Standard operating procedures at airport checkpoints.
- Sec. 1517. Traveler redress improvement.
- Sec. 1518. Screening in areas other than passenger terminals.
- Sec. 1519. Federal Air Marshal Service agreements.
- Sec. 1520. Federal Air Marshal mission scheduling automation.
- Sec. 1521. Canine detection research and development.
- Sec. 1522. International Civil Aviation Organization.
- Sec. 1523. Passenger security fee.
- Sec. 1524. Last point of departure airport certification.
- Sec. 1525. Security incident response at airports and surface transportation hubs.
- Sec. 1526. Airport security screening opt-out program.
- Sec. 1527. Personnel management system review.
- Sec. 1528. Innovation task force.
- Sec. 1529. Airport law enforcement reimbursement.

Subtitle C—Transportation Security Screening Personnel Training and Accountability

- Sec. 1531. Transportation security training programs.
- Sec. 1532. Alternate new security screening personnel training program cost and feasibility study.
- Sec. 1533. Prohibition of advance notice of covert testing to security screeners.

Subtitle D—Airport Access Controls and Perimeter Security

- Sec. 1541. Reformation of certain programs of the Transportation Security Administration.
- Sec. 1542. Airport perimeter and access control security.
- Sec. 1543. Exit lane security.
- Sec. 1544. Reimbursement for deployment of armed law enforcement personnel at airports.

Subtitle E—Air Cargo Security

- Sec. 1551. Air cargo advance screening program.
- Sec. 1552. Explosives detection canine teams for air cargo security.

Subtitle F—Information Sharing and Cybersecurity

- Sec. 1561. Information sharing and cybersecurity.

Subtitle G—Surface Transportation Security

- Sec. 1571. Definitions.
- Sec. 1572. Surface transportation security assessment and implementation of risk-based strategy.
- Sec. 1573. Risk-based budgeting and resource allocation.
- Sec. 1574. Surface transportation security management and interagency coordination review.
- Sec. 1575. Transparency.
- Sec. 1576. TSA counterterrorism asset deployment.
- Sec. 1577. Surface transportation security advisory committee.
- Sec. 1578. Review of the explosives detection canine team program.
- Sec. 1579. Expansion of national explosives detection canine team program.
- Sec. 1580. Explosive detection technology.
- Sec. 1581. Study on security standards and best practices for United States and foreign passenger transportation systems.
- Sec. 1582. Amtrak security upgrades.
- Sec. 1583. Study on surface transportation inspectors.
- Sec. 1584. Security awareness program.
- Sec. 1585. Voluntary use of credentialing.
- Sec. 1586. Background records checks for issuance of hazmat licenses.
- Sec. 1587. Recurrent vetting for surface transportation credential-holders.
- Sec. 1588. Pipeline security study.

Subtitle H—Security Enhancements in Public Areas of Transportation Facilities

- Sec. 1591. Working group.
- Sec. 1592. Technical assistance; Vulnerability assessment tools.
- Sec. 1593. Operations centers.
- Sec. 1594. Review of regulations.
- Sec. 1595. Definition.

TITLE VI—EMERGENCY PREPAREDNESS, RESPONSE, AND COMMUNICATIONS

Subtitle A—Grants, Training, Exercises, and Coordination

- Sec. 1601. Urban Area Security Initiative.
- Sec. 1602. State Homeland Security Grant Program.
- Sec. 1603. Grants to directly eligible tribes.
- Sec. 1604. Law enforcement terrorism prevention.

- Sec. 1605. Prioritization.
- Sec. 1606. Allowable uses.
- Sec. 1607. Approval of certain equipment.
- Sec. 1608. Memoranda of understanding.
- Sec. 1609. Grants metrics.
- Sec. 1610. Grant management best practices.
- Sec. 1611. Prohibition on consolidation.
- Sec. 1612. Maintenance of grant investments.
- Sec. 1613. Transit security grant program.
- Sec. 1614. Port security grant program.
- Sec. 1615. Cyber preparedness.
- Sec. 1616. Major metropolitan area counterterrorism training and exercise grant program.
- Sec. 1617. Operation Stonegarden.
- Sec. 1618. Non-Profit Security Grant Program.
- Sec. 1619. Study of the use of grant funds for cybersecurity.

Subtitle B—Communications

- Sec. 1631. Office of Emergency Communications.
- Sec. 1632. Responsibilities of Office of Emergency Communications Director.
- Sec. 1633. Annual reporting on activities of the Office of Emergency Communications.
- Sec. 1634. National Emergency Communications Plan.
- Sec. 1635. Technical edit.
- Sec. 1636. Public Safety Broadband Network.
- Sec. 1637. Communications training.

Subtitle C—Medical Preparedness

- Sec. 1641. Chief Medical Officer.
- Sec. 1642. Medical Countermeasures Program.

TITLE VII—OTHER MATTERS

- Sec. 1701. Decision regarding certain executive memoranda.
- Sec. 1702. Permanent authorization for Asia-Pacific Economic Cooperation Business Travel Card Program.
- Sec. 1703. Authorization of appropriations for Office of Inspector General.
- Sec. 1704. Canine teams.
- Sec. 1705. Technical amendments to the Homeland Security Act of 2002.
- Sec. 1706. Savings clause.

DIVISION B—U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

- Sec. 2001. Short title.
- Sec. 2002. Establishment of U.S. Immigration and Customs Enforcement.

DIVISION C—UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

- Sec. 3001. Short title.
- Sec. 3002. Establishment of United States Citizenship and Immigration Services.

DIVISION D—UNITED STATES SECRET SERVICE

- Sec. 4001. Short title.

- Sec. 4002. Presidential appointment of Director of the Secret Service.
- Sec. 4003. Restricted building or grounds.
- Sec. 4004. Threats against former vice presidents.
- Sec. 4005. Increased training.
- Sec. 4006. Training facilities.
- Sec. 4007. Evaluation of vulnerabilities and threats.
- Sec. 4008. Evaluation of use of technology.
- Sec. 4009. Evaluation of use of additional weaponry.
- Sec. 4010. Security costs for secondary residences.
- Sec. 4011. Establishment of Ethics Program Office.
- Sec. 4012. Secret Service protection at polling places.
- Sec. 4013. Sense of Congress.

DIVISION E—COAST GUARD

- Sec. 5001. Short title.

TITLE I—AUTHORIZATIONS

- Sec. 5101. Authorizations of appropriations.
- Sec. 5102. Authorized levels of military strength and training.

TITLE II—COAST GUARD

- Sec. 5201. Training; public safety personnel.
- Sec. 5202. Commissioned service retirement.
- Sec. 5203. Officer promotion zones.
- Sec. 5204. Cross reference.
- Sec. 5205. Repeal.
- Sec. 5206. Unmanned aircraft system.
- Sec. 5207. Coast Guard health-care professionals; licensure portability.
- Sec. 5208. Incentive contracts for Coast Guard yard and industrial establishments.
- Sec. 5209. Maintaining cutters in class.
- Sec. 5210. Congressional affairs; Director.
- Sec. 5211. Contracting for major acquisitions programs.
- Sec. 5212. National Security Cutter.
- Sec. 5213. Radar refresher training.
- Sec. 5214. Repeal.
- Sec. 5215. Extension of authority.
- Sec. 5216. Authorization of amounts for Fast Response Cutters.
- Sec. 5217. Authorization of amounts for ice trials of icebreaker vessels.
- Sec. 5218. Shoreside infrastructure.
- Sec. 5219. Aircraft improvements.
- Sec. 5220. Acquisition plan for inland waterway and river tenders and Bay-class icebreakers.
- Sec. 5221. Report on sexual assault victim recovery in the Coast Guard.

TITLE III—PORTS AND WATERWAYS SAFETY

- Sec. 5301. Codification of Ports and Waterways Safety Act.
- Sec. 5302. Conforming amendments.
- Sec. 5303. Transitional and savings provisions.
- Sec. 5304. Rule of construction.
- Sec. 5305. Advisory Committee: Repeal.
- Sec. 5306. Regattas and marine parades.
- Sec. 5307. Regulation of vessels in territorial waters of United States.

TITLE IV—MARITIME TRANSPORTATION SAFETY

- Sec. 5401. Clarification of logbook entries.
- Sec. 5402. Technical corrections: licenses, certifications of registry, and merchant mariner documents.
- Sec. 5403. Numbering for undocumented barges.
- Sec. 5404. Drawbridge deviation exemption.
- Sec. 5405. Deadline for compliance with alternate safety compliance programs.
- Sec. 5406. Authorization for marine debris program.
- Sec. 5407. Alternative distress signals.
- Sec. 5408. Atlantic Coast Port Access Route Study recommendations.
- Sec. 5409. Documentation of recreational vessels.
- Sec. 5410. Certificates of documentation for recreational vessels.
- Sec. 5411. Backup global positioning system.
- Sec. 5412. Waters deemed not navigable waters of the United States for certain purposes.
- Sec. 5413. Uninspected passenger vessels in St. Louis County, Minnesota.
- Sec. 5414. Engine cut-off switch requirements.
- Sec. 5415. Analysis of commercial fishing vessel classification requirements.

TITLE V—MISCELLANEOUS

- Sec. 5501. Repeal.
- Sec. 5502. Reimbursements for non-Federal construction costs of certain aids to navigation.
- Sec. 5503. Corrections to provisions enacted by Coast Guard Authorization Acts.
- Sec. 5504. Ship Shoal Lighthouse transfer: Repeal.
- Sec. 5505. Coast Guard maritime domain awareness.
- Sec. 5506. Towing safety management system fees.
- Sec. 5507. Oil spill disbursements auditing and report.
- Sec. 5508. Land exchange, Ayakulik Island, Alaska.
- Sec. 5509. Vessel response plans in the Arctic Report.
- Sec. 5510. Assessment of public comments on additional anchorages on the Hudson River.
- Sec. 5511. Public safety answering points and maritime search and rescue coordination.
- Sec. 5512. Documentation of “America’s Finest”.

DIVISION F—FEDERAL EMERGENCY MANAGEMENT AGENCY
(FEMA)

- Sec. 6001. Short title.
- Sec. 6002. Reauthorization of Federal Emergency Management Agency.
- Sec. 6003. Comprehensive study of disaster costs and losses.
- Sec. 6004. National Domestic Preparedness Consortium.
- Sec. 6005. Rural Domestic Preparedness Consortium.
- Sec. 6006. National preparation and response efforts relating to earthquakes and tsunamis.
- Sec. 6007. Authorities.
- Sec. 6008. Center for faith-based and neighborhood partnerships.
- Sec. 6009. Emergency support functions.
- Sec. 6010. Review of National Incident Management System.
- Sec. 6011. Remedial action management program.
- Sec. 6012. Center for Domestic Preparedness.
- Sec. 6013. FEMA Senior Law Enforcement Advisor.

Sec. 6014: Technical expert authorized.
 Sec. 6015: Mission support.
 Sec. 6016: Systems modernization.
 Sec. 6017: Strategic human capital plan.
 Sec. 6018: Office of Disability Integration and Coordination of Department of
 Homeland Security.
 Sec. 6019: Technical amendments to National Emergency Management.

1 **SEC. 2. REFERENCES.**

2 Except as expressly provided otherwise, any reference
 3 to “this Act” contained in any division of this Act shall
 4 be treated as referring only to the provisions of that divi-
 5 sion.

6 **DIVISION A—HOMELAND**
 7 **SECURITY**
 8 **TITLE I—DEPARTMENT OF**
 9 **HOMELAND SECURITY HEAD-**
 10 **QUARTERS**

11 **SEC. 1001. SHORT TITLE.**

12 This division may be cited as the “Department of
 13 Homeland Security Authorization Act for Fiscal Years
 14 2018 and 2019”.

15 **Subtitle A—Headquarters**
 16 **Operations**

17 **SEC. 1101. HOMELAND SECURITY ENTERPRISE DEFINED.**

18 Section 2 of the Homeland Security Act of 2002 (6
 19 U.S.C. 101) is amended—

20 (1) by redesignating paragraphs (9) through
 21 (20) as paragraphs (10) through (21), respectively;
 22 and

1 (2) by inserting after paragraph (8) the fol-
2 lowing new paragraph (9):

3 “(9) The term ‘homeland security enterprise’
4 means any relevant governmental or nongovern-
5 mental entity involved in homeland security, includ-
6 ing a Federal, State, or local government official,
7 private sector representative, academic, or other pol-
8 icy expert.”.

9 **SEC. 1102. FUNCTIONS AND COMPONENTS OF HEAD-**
10 **QUARTERS OF DEPARTMENT OF HOMELAND**
11 **SECURITY.**

12 Section 102 of the Homeland Security Act of 2002
13 (6 U.S.C. 112) is amended—

14 (1) in subsection (c)—

15 (A) in the matter preceding paragraph (1),
16 by striking “through the Office of State and
17 Local Coordination (established under section
18 801)” and inserting “through the Office of
19 Partnership and Engagement”;

20 (B) in paragraph (2), by striking “and”
21 after the semicolon at the end;

22 (C) in paragraph (3), by striking the pe-
23 riod and inserting “; and”; and

24 (D) by adding at the end the following:

1 “(4) entering into agreements with governments
2 of other countries, in consultation with the Secretary
3 of State, and international nongovernmental organi-
4 zations in order to achieve the missions of the De-
5 partment.”; and

6 (2) by adding at the end the following new sub-
7 section:

8 “(h) HEADQUARTERS.—

9 “(1) COMPONENTS.—There is in the Depart-
10 ment a Headquarters. The Department Head-
11 quarters shall include each of the following:

12 “(A) The Office of the Secretary.

13 “(B) The Office of the Deputy Secretary.

14 “(C) The Executive Secretary.

15 “(D) The Management Directorate, includ-
16 ing the Office of the Chief Financial Officer.

17 “(E) The Office of Strategy, Policy, and
18 Plans.

19 “(F) The Office of the General Counsel.

20 “(G) The Office of the Chief Privacy Offi-
21 cer.

22 “(H) The Office for Civil Rights and Civil
23 Liberties.

24 “(I) The Office of Operations Coordina-
25 tion.

1 ~~“(J) The Office of Intelligence and Anal-~~
2 ~~ysis:~~

3 ~~“(K) The Office of Legislative Affairs.~~

4 ~~“(L) The Office of Public Affairs.~~

5 ~~“(M) The Office of the Inspector General.~~

6 ~~“(N) The Office of the Citizenship and Im-~~
7 ~~migration Services Ombudsman.~~

8 ~~“(O) The Office of Partnership and En-~~
9 ~~gagement.~~

10 ~~“(2) FUNCTIONS.—The Secretary, acting~~
11 ~~through the appropriate official of the Headquarters,~~
12 ~~shall—~~

13 ~~“(A) establish an overall strategy to suc-~~
14 ~~cessfully further the mission of the Department;~~

15 ~~“(B) establish initiatives that improve De-~~
16 ~~partment-wide operational performance;~~

17 ~~“(C) establish mechanisms to—~~

18 ~~“(i) ensure that components of the~~
19 ~~Department comply with Department poli-~~
20 ~~cies and fully implement the strategies and~~
21 ~~initiatives of the Secretary; and~~

22 ~~“(ii) require the head of each compo-~~
23 ~~nent of the Department and component~~
24 ~~chief officers to comply with such policies~~

1 and implement such strategies and initia-
2 tives;

3 “(D) establish annual operational and
4 management objectives to evaluate the perform-
5 ance of the Department;

6 “(E) ensure that the Department success-
7 fully meets operational and management per-
8 formance objectives through conducting over-
9 sight of component agencies;

10 “(F) ensure that the strategies, priorities,
11 investments, and workforce of Department com-
12 ponents align with Department objectives;

13 “(G) establish and implement policies re-
14 lated to Department ethics and compliance
15 standards;

16 “(H) establish and implement, in consulta-
17 tion with the Office of Civil Rights and Civil
18 Liberties, policies which preserve individual lib-
19 erty, fairness, and equality under the law;

20 “(I) manage and encourage shared services
21 across Department components;

22 “(J) lead and coordinate interaction with
23 Congress and other external organizations; and

24 “(K) carry out other such functions as the
25 Secretary determines are appropriate.”.

1 **SEC. 1103. REPEAL OF DIRECTOR OF SHARED SERVICES**
2 **AND OFFICE OF COUNTERNARCOTICS EN-**
3 **FORCEMENT OF DEPARTMENT OF HOME-**
4 **LAND SECURITY.**

5 (a) **ABOLISHMENT OF DIRECTOR OF SHARED SERV-**
6 **ICES.—**

7 (1) **ABOLISHMENT.—**The position of Director of
8 Shared Services of the Department of Homeland Se-
9 curity is abolished.

10 (2) **CONFORMING AMENDMENT.—**The Home-
11 land Security Act of 2002 is amended by striking
12 section 475 (6 U.S.C. 295).

13 (3) **CLERICAL AMENDMENT.—**The table of con-
14 tents in section 1(b) of such Act is amended by
15 striking the item relating to section 475.

16 (b) **ABOLISHMENT OF THE OFFICE OF COUNTER-**
17 **NARCOTICS ENFORCEMENT.—**

18 (1) **ABOLISHMENT.—**The Office of Counter-
19 narcotics Enforcement is abolished.

20 (2) **CONFORMING AMENDMENTS.—**The Home-
21 land Security Act of 2002 is amended—

22 (A) in subparagraph (B) of section
23 843(b)(1) (6 U.S.C. 413(b)(1)), by striking
24 “by—” and all that follows through the end of
25 that subparagraph and inserting “by the Sec-
26 retary; and”;

1 (B) by striking section 878 (6 U.S.C.
2 112).

3 (3) ~~CLERICAL AMENDMENT.~~—The table of con-
4 tents in section 1(b) of such Act is amended by
5 striking the item relating to section 878.

6 **SEC. 1104. RESPONSIBILITIES AND FUNCTIONS OF CHIEF**
7 **PRIVACY OFFICER.**

8 (a) ~~IN GENERAL.~~—Section 222 of the Homeland Se-
9 curity Act of 2002 (6 U.S.C. 142) is amended—

10 (1) in subsection (a)—

11 (A) in the matter preceding paragraph
12 (1)—

13 (i) by inserting “to be the Chief Pri-
14 vacy Officer of the Department,” after “in
15 the Department,”; and

16 (ii) by striking “to the Secretary, to
17 assume” and inserting “to the Secretary.
18 Such official shall have”;

19 (B) in paragraph (5), by striking “and” at
20 the end;

21 (C) by striking paragraph (6); and

22 (D) by inserting after paragraph (5) the
23 following new paragraphs:

1 “(6) developing guidance to assist components
2 of the Department in developing privacy policies and
3 practices;

4 “(7) establishing a mechanism to ensure such
5 components are in compliance with Federal, regu-
6 latory, statutory, and Department privacy require-
7 ments, mandates, directives, and policies;

8 “(8) working with the Chief Information Officer
9 of the Department to identify methods for managing
10 and overseeing the records, management policies,
11 and procedures of the Department;

12 “(9) working with components and offices of
13 the Department to ensure that information sharing
14 activities incorporate privacy protections;

15 “(10) serving as the Chief FOIA Officer of the
16 Department for purposes of subsection (j) of section
17 552 of title 5, United States Code (popularly known
18 as the Freedom of Information Act), to manage and
19 process requests related to such section;

20 “(11) developing guidance on procedures to be
21 followed by individuals making requests for informa-
22 tion under section 552 of title 5, United States
23 Code;

24 “(12) overseeing the management and proe-
25 essing of requests for information under section 552

1 of title 5, United States Code, within Department
2 Headquarters and relevant Department component
3 offices;

4 “(13) identifying and eliminating unnecessary
5 and duplicative actions taken by the Department in
6 the course of processing requests for information
7 under section 552 of title 5, United States Code;

8 “(14) preparing an annual report to Congress
9 that includes—

10 “(A) a description of the activities of the
11 Department that affect privacy during the fiscal
12 year covered by the report, including complaints
13 of privacy violations, implementation of section
14 552a of title 5, United States Code (popularly
15 known as the Privacy Act of 1974), internal
16 controls, and other matters; and

17 “(B) the number of new technology pro-
18 grams implemented in the Department during
19 the fiscal year covered by the report, the num-
20 ber of such programs that the Chief Privacy Of-
21 ficer has evaluated to ensure that privacy pro-
22 tections are considered and implemented, the
23 number of such programs that effectively imple-
24 mented privacy protections into new technology
25 programs, and an explanation of why any new

1 programs did not effectively implement privacy
2 protections; and

3 “(15) carrying out such other responsibilities as
4 the Secretary determines are appropriate, consistent
5 with this section.”; and

6 (2) by adding at the end the following new sub-
7 section:

8 “(f) REASSIGNMENT OF FUNCTIONS.—Notwith-
9 standing subsection (a)(10), the Secretary may reassign
10 the functions related to managing and processing requests
11 for information under section 552 of title 5, United States
12 Code, to another officer within the Department, consistent
13 with requirements of that section.”.

14 **SEC. 1105. RESPONSIBILITIES OF CHIEF FINANCIAL OFFI-
15 CER.**

16 (a) IN GENERAL.—Section 702 of the Homeland Se-
17 curity Act of 2002 (6 U.S.C. 342) is amended—

18 (1) by redesignating subsections (b) and (c) as
19 subsections (c) and (d), respectively; and

20 (2) by inserting after subsection (a) the fol-
21 lowing new subsection (b):

22 “(b) RESPONSIBILITIES.—In carrying out the re-
23 sponsibilities, authorities, and functions specified in sec-
24 tion 902 of title 31, United States Code, the Chief Finan-
25 cial Officer shall—

1 “(1) oversee Department budget formulation
2 and execution;

3 “(2) lead and provide guidance on performance-
4 based budgeting practices for the Department to en-
5 sure that the Department and its components are
6 meeting missions and goals;

7 “(3) lead cost-estimating practices for the De-
8 partment, including the development of policies on
9 cost estimating and approval of life cycle cost esti-
10 mates;

11 “(4) coordinate with the Office of Strategy,
12 Policy, and Plans to ensure that the development of
13 the budget for the Department is compatible with
14 the long-term strategic plans, priorities, and policies
15 of the Secretary;

16 “(5) develop financial management policy for
17 the Department and oversee the implementation of
18 such policy, including the establishment of effective
19 internal controls over financial reporting systems
20 and processes throughout the Department;

21 “(6) provide guidance for and over financial
22 system modernization efforts throughout the Depart-
23 ment;

1 “(7) lead the efforts of the Department related
2 to financial oversight, including identifying ways to
3 streamline and standardize business processes;

4 “(8) oversee the costs of acquisition programs
5 and related activities to ensure that actual and
6 planned costs are in accordance with budget esti-
7 mates and are affordable, or can be adequately fund-
8 ed, over the lifecycle of such programs and activities;

9 “(9) fully implement a common accounting
10 structure to be used across the entire Department
11 by fiscal year 2020; and

12 “(10) track, approve, oversee, and make public
13 information on expenditures by components of the
14 Department for conferences, as appropriate, includ-
15 ing by requiring each component to—

16 “(A) report to the Inspector General of the
17 Department the expenditures by such compo-
18 nent for each conference hosted or attended by
19 Department employees for which the total ex-
20 penditures of the Department exceed \$20,000,
21 within 15 days after the date of the conference;
22 and

23 “(B) with respect to such expenditures,
24 provide to the Inspector General—

1 “(i) the information described in sub-
2 sections (a), (b), and (c) of section 739 of
3 title VII of division E of the Consolidated
4 and Further Continuing Appropriations
5 Act, 2015 (Public Law 113–235); and

6 “(ii) documentation of such expendi-
7 tures.”.

8 (b) **RULE OF CONSTRUCTION.**—Nothing in the
9 amendment made by this section may be construed as al-
10 tering or amending the responsibilities, authorities, and
11 functions of the Chief Financial Officer of the Department
12 of Homeland Security under section 902 of title 31,
13 United States Code.

14 **SEC. 1106. CHIEF INFORMATION OFFICER.**

15 (a) **IN GENERAL.**—Section 703 of the Homeland Se-
16 curity Act of 2002 (6 U.S.C. 343) is amended—

17 (1) in subsection (a), by adding at the end the
18 following new sentence: “In addition to the functions
19 under section 3506(a)(2) of title 44, United States
20 Code, the Chief Information Officer shall perform
21 the functions set forth in this section and such other
22 functions as may be assigned by the Secretary.”;

23 (2) by redesignating subsection (b) as sub-
24 section (d); and

1 ~~(3)~~ by inserting after subsection (a) the fol-
2 lowing new subsections:

3 ~~“(b) RESPONSIBILITIES.—In addition to performing~~
4 ~~the functions under section 3506 of title 44, United States~~
5 ~~Code, the Chief Information Officer shall serve as the lead~~
6 ~~technical authority for information technology programs~~
7 ~~of the Department and Department components, and~~
8 ~~shall—~~

9 ~~“(1) advise and assist the Secretary, heads of~~
10 ~~the components of the Department, and other senior~~
11 ~~officers in carrying out the responsibilities of the~~
12 ~~Department for all activities relating to the budgets,~~
13 ~~programs, security, and operations of the informa-~~
14 ~~tion technology functions of the Department;~~

15 ~~“(2) to the extent delegated by the Secretary,~~
16 ~~exercise leadership and authority over Department~~
17 ~~information technology management and establish~~
18 ~~the information technology priorities, policies, proe-~~
19 ~~esses, standards, guidelines, and procedures of the~~
20 ~~Department to ensure interoperability and standard-~~
21 ~~ization of information technology;~~

22 ~~“(3) maintain a consolidated inventory of the~~
23 ~~mission critical and mission essential information~~
24 ~~systems of the Department, and develop and main-~~
25 ~~tain contingency plans for responding to a disrupt-~~

1 tion in the operation of any of those information sys-
2 tems;

3 “(4) maintain the security, visibility, reliability,
4 integrity, and availability of data and information
5 technology of the Department;

6 “(5) establish and implement policies and pro-
7 cedures to effectively monitor and manage
8 vulnerabilities in the supply chain for purchases of
9 information technology, in consultation with the
10 Chief Procurement Officer of the Department;

11 “(6) review contracts and interagency agree-
12 ments associated with major information technology
13 investments and information technology investments
14 that have had cost, schedule, or performance chal-
15 lenges in the past;

16 “(7) assess the risk of all major information
17 technology investments and publically report the risk
18 rating to the Office of Management and Budget; and

19 “(8) carry out any other responsibilities dele-
20 gated by the Secretary consistent with an effective
21 information system management function.

22 “(c) STRATEGIC PLANS.—In coordination with the
23 Chief Financial Officer, the Chief Information Officer
24 shall develop an information technology strategic plan
25 every five years and report to the Committee on Homeland

1 Security and the Committee on Appropriations of the
2 House of Representatives and the Committee on Home-
3 land Security and Governmental Affairs and the Com-
4 mittee on Appropriations of the Senate on the extent to
5 which—

6 “(1) the budget of the Department aligns with
7 priorities specified in the information technology
8 strategic plan;

9 “(2) the information technology strategic plan
10 informs the budget process of the Department;

11 “(3) information technology priorities were or
12 were not funded and the reasons for not funding all
13 priorities in a given fiscal year;

14 “(4) the Department has identified and ad-
15 dressed skills gaps needed to implement the informa-
16 tion technology strategic plan; and

17 “(5) unnecessary duplicate information tech-
18 nology within and across the components of the De-
19 partment has been eliminated.”.

20 (b) SOFTWARE LICENSING.—

21 (1) SOFTWARE INVENTORY.—Not later than
22 180 days after the date of the enactment of this Act
23 and every two years thereafter until 2022, the Chief
24 Information Officer of the Department of Homeland

1 Security, in consultation with Department compo-
2 nent chief information officers, shall—

3 (A) conduct a Department-wide inventory
4 of all existing software licenses held by the De-
5 partment, including utilized and unutilized li-
6 censes;

7 (B) assess the needs of the Department
8 and the components of the Department for soft-
9 ware licenses for the subsequent two fiscal
10 years;

11 (C) examine how the Department can
12 achieve the greatest possible economies of scale
13 and cost savings in the procurement of software
14 licenses;

15 (D) determine how the use of shared
16 cloud-computing services will impact the needs
17 for software licenses for the subsequent two fis-
18 cal years;

19 (E) establish plans and estimated costs for
20 eliminating unutilized software licenses for the
21 subsequent two fiscal years; and

22 (F) submit a copy of each inventory con-
23 ducted under subparagraph (A) to the Com-
24 mittee on Homeland Security of the House of
25 Representatives and the Committee on Home-

1 land Security and Governmental Affairs of the
2 Senate.

3 ~~(2) PLAN TO REDUCE SOFTWARE LICENSES.—~~

4 If the Chief Information Officer determines through
5 the inventory conducted under paragraph (1) that
6 the number of software licenses held by the Depart-
7 ment and the components of the Department exceed
8 the needs of the Department, not later than 90 days
9 after the date on which the inventory is completed,
10 the Secretary of Homeland Security shall establish a
11 plan for reducing the number of such software li-
12 censes to meet needs of the Department.

13 ~~(3) PROHIBITION ON PROCUREMENT OF NEW~~
14 ~~SOFTWARE LICENSES.—~~

15 ~~(A) IN GENERAL.—~~Except as provided in
16 subparagraph (B), upon completion of a plan
17 under paragraph (2), no additional resources
18 may be obligated for the procurement of new
19 software licenses for the Department until such
20 time as the need of the Department exceeds the
21 number of used and unused licenses held by the
22 Department.

23 ~~(B) EXCEPTION.—~~The Chief Information
24 Officer may authorize the purchase of addi-

1 tional licenses and amend the number of needed
2 licenses as necessary.

3 (c) **COMPTROLLER GENERAL REVIEW.**—Not later
4 than fiscal year 2019, the Comptroller General of the
5 United States shall review the extent to which the Chief
6 Information Officer fulfilled all requirements established
7 in this section and the amendment made by this section.

8 (d) **COMPLETION OF FIRST DEFINITION OF CAPA-**
9 **BILITIES.**—Not later than one year after the date of the
10 enactment of this Act, the Chief Information Officer shall
11 complete the first information technology strategie plan
12 required under subsection (c) of section 701 of the Home-
13 land Security Act of 2002, as added by subsection (a) of
14 this section.

15 **SEC. 1107. QUADRENNIAL HOMELAND SECURITY REVIEW.**

16 (a) **IN GENERAL.**—Section 707 of the Homeland Se-
17 curity Act of 2002 (6 U.S.C. 347) is amended—

18 (1) in subsection (a)(3)—

19 (A) in subparagraph (B), by striking
20 “and” at the end;

21 (B) by redesignating subparagraph (C) as
22 subparagraph (D); and

23 (C) by inserting after subparagraph (B)
24 the following new subparagraph (C):

1 “(C) representatives from appropriate ad-
2 visory committees established pursuant to sec-
3 tion 871, including the Homeland Security Ad-
4 visory Council and the Homeland Security
5 Science and Technology Advisory Committee, or
6 otherwise established, including the Aviation
7 Security Advisory Committee established pursu-
8 ant to section 44946 of title 49, United States
9 Code; and”;

10 (2) in subsection (b)—

11 (A) in paragraph (2), by inserting before
12 the semicolon at the end the following: “based
13 on the risk assessment required pursuant to
14 subsection (e)(2)(B)”;

15 (B) in paragraph (3)—

16 (i) by inserting “, to the extent prac-
17 ticable,” after “describe”; and

18 (ii) by striking “budget plan” and in-
19 serting “resources required”;

20 (C) in paragraph (4)—

21 (i) by inserting “, to the extent prac-
22 ticable,” after “identify”;

23 (ii) by striking “budget plan required
24 to provide sufficient resources to success-

1 fully” and inserting “resources required
2 to”; and

3 (iii) by striking the semicolon at the
4 end and inserting “, including any re-
5 sources identified from redundant, waste-
6 ful, or unnecessary capabilities and capae-
7 ities that can be redirected to better sup-
8 port other existing capabilities and capae-
9 ities, as the case may be; and”;

10 (D) in paragraph (5), by striking “; and”
11 and inserting a period; and

12 (E) by striking paragraph (6);

13 (3) in subsection (c)—

14 (A) in paragraph (1), by striking “Decem-
15 ber 31 of the year” and inserting “60 days
16 after the date of the submittal of the Presi-
17 dent’s budget for the fiscal year after the fiscal
18 year”;

19 (B) in paragraph (2)—

20 (i) in subparagraph (B), by striking
21 “description of the threats to” and insert-
22 ing “risk assessment of”;

23 (ii) in subparagraph (C), by inserting
24 “, as required under subsection (b)(2)” be-
25 fore the semicolon at the end;

1 (iii) in subparagraph (D)—

2 (I) by inserting “to the extent
3 practicable,” before “a description”;

4 and

5 (II) by striking “budget plan”
6 and inserting “resources required”;

7 (iv) in subparagraph (F)—

8 (I) by inserting “to the extent
9 practicable,” before “a discussion”;

10 and

11 (II) by striking “the status of”;

12 (v) in subparagraph (G)—

13 (I) by inserting “to the extent
14 practicable,” before “a discussion”;

15 (II) by striking “the status of”;

16 (III) by inserting “and risks” be-
17 fore “to national homeland”; and

18 (IV) by inserting “and” after the
19 semicolon at the end;

20 (vi) by striking subparagraph (H);

21 and

22 (vii) by redesignating subparagraph
23 (I) as subparagraph (H);

24 (C) by redesignating paragraph (3) as
25 paragraph (4); and

1 (D) by inserting after paragraph (2) the
2 following new paragraph (3):

3 “(3) DOCUMENTATION.—The Secretary shall
4 retain the following documentation regarding the
5 quadrennial homeland security review:

6 “(A) Records regarding the consultation
7 carried out the pursuant to subsection (a)(3),
8 including—

9 “(i) all written communications, in-
10 cluding communications sent out by the
11 Secretary and feedback submitted to the
12 Secretary through technology, online com-
13 munications tools, in-person discussions,
14 and the interagency process; and

15 “(ii) information on how feedback re-
16 ceived by the Secretary informed the quad-
17 rennial homeland security review.

18 “(B) Information regarding the risk as-
19 sessment, as required under subsection
20 (e)(2)(B), including—

21 “(i) the risk model utilized to generate
22 the risk assessment;

23 “(ii) information, including data used
24 in the risk model, utilized to generate the
25 risk assessment;

1 “(iii) sources of information, including
2 other risk assessments, utilized to generate
3 the risk assessment; and

4 “(iv) information on assumptions,
5 weighing factors, and subjective judgments
6 utilized to generate the risk assessment,
7 together with information on the rationale
8 or basis thereof.”; and

9 (4) by redesignating subsection (d) as sub-
10 section (e); and

11 (5) by inserting after subsection (e) the fol-
12 lowing new subsection (d):

13 “(d) REVIEW.—Not later than 90 days after the sub-
14 mission of each report required under subsection (e)(1),
15 the Secretary shall provide to the Committee on Homeland
16 Security of the House of Representatives and the Com-
17 mittee on Homeland Security and Governmental Affairs
18 of the Senate information on the degree to which the find-
19 ings and recommendations developed in the quadrennial
20 homeland security review covered by the report were inte-
21 grated into the acquisition strategy and expenditure plans
22 for the Department.”.

23 (b) EFFECTIVE DATE.—The amendments made by
24 this section shall apply with respect to a quadrennial

1 homeland security review conducted after December 31,
2 2017.

3 **SEC. 1108. OFFICE OF STRATEGY, POLICY, AND PLANS.**

4 (a) IN GENERAL.—Section 708 of the Homeland Se-
5 curity Act of 2002 (as redesignated pursuant to section
6 1705(g) of this Act; relating to the Office of Strategy, Pol-
7 icy, and Plans of the Department of Homeland Security)
8 is amended—

9 (1) in subsection (a), by adding at the end the
10 following: “The Office of Strategy, Policy, and Plans
11 shall include the following components:

12 “(1) The Office of International Affairs.

13 “(2) The Office of Cyber, Infrastructure, and
14 Resilience Policy.

15 “(3) The Office of Strategy, Planning, Analysis,
16 and Risk.

17 “(4) The Office of Threat Prevention and Secu-
18 rity Policy.

19 “(5) The Office of Border, Immigration, and
20 Trade Policy.”;

21 (2) by redesignating subsections (e) through (g)
22 as subsections (f) through (h), respectively; and

23 (3) by inserting after subsection (d) the fol-
24 lowing new subsection:

1 “(e) ASSISTANT SECRETARY FOR INTERNATIONAL
2 AFFAIRS.—The Office of International Affairs shall be led
3 by an Assistant Secretary for International Affairs ap-
4 pointed by the Secretary. The Assistant Secretary shall—

5 “(1) coordinate international activities within
6 the Department, including activities carried out by
7 the components of the Department, in consultation
8 with other Federal officials with responsibility for
9 counterterrorism and homeland security matters;

10 “(2) advise, inform, and assist the Secretary
11 with respect to the development and implementation
12 of the policy priorities of the Department, including
13 strategic priorities for the deployment of assets, in-
14 cluding personnel, outside the United States;

15 “(3) develop, in consultation with the Under
16 Secretary for Management, guidance for selecting,
17 assigning, training, and monitoring overseas deploy-
18 ments of Department personnel, including minimum
19 standards for pre-deployment training;

20 “(4) maintain awareness regarding the inter-
21 national travel of senior officers of the Department
22 and their intent to pursue negotiations with foreign
23 government officials, and review resulting draft
24 agreements; and

1 “(5) perform such other functions as are estab-
2 lished by law or delegated by the Under Secretary
3 for Policy.”.

4 (b) ABOLISHMENT OF OFFICE OF INTERNATIONAL
5 AFFAIRS.—

6 (1) IN GENERAL.—The Office of International
7 Affairs within the Office of the Secretary of Home-
8 land Security is abolished.

9 (2) TRANSFER OF ASSETS AND PERSONNEL.—
10 The functions authorized to be performed by such
11 office as of the day before the date of the enactment
12 of this Act, and the assets and personnel associated
13 with such functions, are transferred to the head of
14 the Office of International Affairs provided for by
15 section 708 of the Homeland Security Act of 2002,
16 as amended by this section.

17 (3) CONFORMING AMENDMENT.—The Home-
18 land Security Act of 2002 is amended by striking
19 section 879 (6 U.S.C. 459).

20 (4) CLERICAL AMENDMENT.—The table of con-
21 tents in section 1(b) of such Act is amended by
22 striking the item relating to section 879.

23 (c) CONFORMING AMENDMENTS RELATING TO AS-
24 SISTANT SECRETARIES.—Subsection (a) of section 103 of

1 the Homeland Security Act of 2002 (6 U.S.C. 113) is
2 amended—

3 (1) in the subsection heading, by inserting “;
4 ASSISTANT SECRETARIES AND OTHER OFFICERS”
5 after “UNDER SECRETARIES”;

6 (2) in paragraph (1), by amending subpara-
7 graph (I) to read as follows:

8 “(I) An Administrator of the Transpor-
9 tation Security Administration.”;

10 (3) by amending paragraph (2) to read as fol-
11 lows:

12 “(2) ASSISTANT SECRETARIES.—The following
13 Assistant Secretaries shall be appointed by the
14 President or the Secretary, as the case may be, with-
15 out the advice and consent of the Senate:

16 “(A) PRESIDENTIAL APPOINTMENTS.—The
17 Department shall have the following Assistant
18 Secretaries appointed by the President:

19 “(i) The Assistant Secretary, Infra-
20 structure Protection.

21 “(ii) The Assistant Secretary for Pub-
22 lic Affairs.

23 “(iii) The Assistant Secretary for
24 Legislative Affairs.

1 “(B) SECRETARIAL APPOINTMENTS.—The
2 Department shall have the following Assistant
3 Secretaries appointed by the Secretary:

4 “(i) The Principal Assistant Secretary
5 for External Affairs.

6 “(ii) The Assistant Secretary, Office
7 of Cybersecurity and Communications.

8 “(iii) The Assistant Secretary for
9 International Affairs.

10 “(iv) The Assistant Secretary for
11 Partnership and Engagement.

12 “(v) The Assistant Secretary for
13 Threat Prevention and Security Policy.

14 “(vi) The Assistant Secretary for Bor-
15 der, Immigration, and Trade Policy.

16 “(vii) The Assistant Secretary for
17 Cyber, Infrastructure, and Resiliency Pol-
18 icy.

19 “(viii) The Assistant Secretary for
20 Strategy, Planning, Analysis, and Risk.

21 “(ix) The Assistant Secretary for
22 State and Local Law Enforcement.”; and

23 (4) by adding at the end the following new
24 paragraphs:

1 ~~“(3) ASSISTANT SECRETARY FOR LEGISLATIVE~~
2 ~~AFFAIRS.—The Assistant Secretary for Legislative~~
3 ~~Affairs shall oversee one internal reporting structure~~
4 ~~for engaging with authorizing and appropriating~~
5 ~~congressional committees.~~

6 ~~“(4) LIMITATION ON CREATION OF POSI-~~
7 ~~TIONS.—No Assistant Secretary position may be cre-~~
8 ~~ated in addition to the positions provided for by this~~
9 ~~section unless such position is authorized by a stat-~~
10 ~~ute enacted after the date of the enactment of the~~
11 ~~Department of Homeland Security Authorization~~
12 ~~Act for Fiscal Years 2018 and 2019.”.~~

13 ~~(d) HOMELAND SECURITY ADVISORY COUNCIL.—~~
14 ~~Subsection (b) of section 102 of the Homeland Security~~
15 ~~Act of 2002 (6 U.S.C. 112) is amended—~~

16 ~~(1) in paragraph (2), by striking “and” at the~~
17 ~~end;~~

18 ~~(2) in paragraph (3), by striking the period at~~
19 ~~the end and inserting “; and”;~~ and

20 ~~(3) by adding at the end the following new~~
21 ~~paragraph:~~

22 ~~“(4) shall establish a Homeland Security Advi-~~
23 ~~sory Council to provide advice and recommendations~~
24 ~~on homeland security-related matters, including ad-~~

1 vice with respect to the preparation of the Quadren-
2 nial Homeland Security Review.”.

3 (e) PROHIBITION ON NEW OFFICES.—No new office
4 may be created to perform functions transferred by this
5 section, other than as provided in section 709 of the
6 Homeland Security Act of 2002, as amended by this Act.

7 (f) DEFINITIONS.—In this section each of the terms
8 “functions”, “assets”, and “personnel” has the meaning
9 given each such term under section 2 of the Homeland
10 Security Act of 2002 (6 U.S.C. 101).

11 (g) DUPLICATION REVIEW.—

12 (1) REVIEW REQUIRED.—Not later than one
13 year after the date of the enactment of this Act, the
14 Secretary of Homeland Security shall complete a re-
15 view of the functions and responsibilities of each De-
16 partment of Homeland Security component respon-
17 sible for international affairs to identify and elimi-
18 nate areas of unnecessary duplication.

19 (2) SUBMISSION TO CONGRESS.—Not later than
20 30 days after the completion of the review required
21 under paragraph (1), the Secretary shall provide the
22 results of the review to the Committee on Homeland
23 Security of the House of Representatives and the
24 Committee on Homeland Security and Governmental
25 Affairs of the Senate.

1 (3) ACTION PLAN.—Not later than one year
2 after the date of the enactment of this Act, the Sec-
3 retary shall submit to the congressional homeland
4 security committees an action plan, including correc-
5 tive steps and an estimated date of completion, to
6 address areas of duplication, fragmentation, and
7 overlap and opportunities for cost savings and rev-
8 enue enhancement, as identified by the Government
9 Accountability Office based on the annual report of
10 the Government Accountability Office entitled “Ad-
11 ditional Opportunities to Reduce Fragmentation,
12 Overlap, and Duplication and Achieve Other Finan-
13 cial Benefits”.

14 **SEC. 1109. OFFICE OF EXTERNAL AFFAIRS.**

15 (a) IN GENERAL.—Title VII of the Homeland Secu-
16 rity Act of 2002 (6 U.S.C. 341 et seq.) is amended by
17 adding at the end the following new section:

18 **“SEC. 709. OFFICE OF EXTERNAL AFFAIRS.**

19 “(a) IN GENERAL.—There is established in the De-
20 partment an Office of External Affairs.

21 “(b) HEAD OF THE OFFICE.—The Office of External
22 Affairs shall be headed by a Principal Assistant Secretary
23 for External Affairs, who shall be appointed by the Sec-
24 retary. The Principal Assistant Secretary shall report to
25 the Secretary.

1 “(e) COMPOSITION.—The Office of External Affairs
2 shall include the following components:

3 “(1) The Office of Legislative Affairs, led by
4 the Assistant Secretary for Legislative Affairs who
5 shall report to the Principal Assistant Secretary for
6 External Affairs.

7 “(2) The Office of Public Affairs, led by the As-
8 sistant Secretary for Public Affairs who shall report
9 to the Principal Assistant Secretary for External Af-
10 fairs.

11 “(3) The Office of Partnership and Engage-
12 ment, led by the Assistant Secretary for Partnership
13 and Engagement who shall report to the Principal
14 Assistant Secretary for External Affairs.

15 “(d) ASSISTANT SECRETARY FOR PARTNERSHIP AND
16 ENGAGEMENT.—The Assistant Secretary for Partnership
17 and Engagement shall be appointed by the Secretary and
18 shall—

19 “(1) lead the efforts of the Department to in-
20 corporate external feedback from stakeholders into
21 policy and strategic planning efforts, as appropriate,
22 in consultation with the Office for Civil Rights and
23 Civil Liberties;

24 “(2) conduct the activities specified in section
25 2006(b);

1 ~~“(3) advise the Secretary on the effects of the~~
2 ~~policies, regulations, processes, and actions of the~~
3 ~~Department on the private sector and create and~~
4 ~~foster strategic communications with the private sec-~~
5 ~~tor to enhance the primary mission of the Depart-~~
6 ~~ment to protect the homeland;~~

7 ~~“(4) coordinate the activities of the Department~~
8 ~~relating to State and local government;~~

9 ~~“(5) provide State and local governments with~~
10 ~~regular information, research, and technical support~~
11 ~~to assist local efforts at securing the homeland; and~~

12 ~~“(6) perform such other functions as are estab-~~
13 ~~lished by law or delegated by the Secretary.”.~~

14 ~~(b) TRANSFER OF FUNCTIONS, ASSETS, AND PER-~~
15 ~~SONNEL OF OFFICE FOR STATE AND LOCAL LAW EN-~~
16 ~~FORCEMENT.—The functions authorized to be performed~~
17 ~~by the Office for State and Local Law Enforcement of~~
18 ~~the Department of Homeland Security as of the day before~~
19 ~~the date of the enactment of this Act, and the assets and~~
20 ~~personnel associated with such functions, are transferred~~
21 ~~to the Office of Partnership and Engagement under sec-~~
22 ~~tion 709 of the Homeland Security Act of 2002, as added~~
23 ~~by this section.~~

24 ~~(c) ABOLISHMENT OF OFFICE FOR STATE AND~~
25 ~~LOCAL GOVERNMENT COORDINATION.—~~

1 (1) IN GENERAL.—The Office for State and
2 Local Government Coordination of the Department
3 of Homeland Security is abolished.

4 (2) TRANSFER OF FUNCTIONS AND ASSETS.—
5 The functions authorized to be performed by such
6 Office for State and Local Government Coordination
7 immediately on the day before the date of the enact-
8 ment of this Act, and the assets and personnel asso-
9 ciated with such functions, are transferred to the Of-
10 fice of Partnership and Engagement under section
11 709 of the Homeland Security Act of 2002, as
12 added by this section.

13 (3) CONFORMING AMENDMENT.—The Home-
14 land Security Act of 2002 is amended by striking
15 section 801 (6 U.S.C. 631).

16 (4) CLERICAL AMENDMENT.—The table of con-
17 tents in section 1(b) of such Act is amended by
18 striking the item relating to section 801.

19 (d) ABOLISHMENT OF SPECIAL ASSISTANT TO SEC-
20 RETARY OF HOMELAND SECURITY.—

21 (1) IN GENERAL.—The Special Assistant to the
22 Secretary authorized by section 102(f) of the Home-
23 land Security Act of 2002 (6 U.S.C. 112(f)), as in
24 effect on the day before the date of the enactment
25 of this Act, is abolished.

1 ~~(2) TRANSFER OF FUNCTIONS AND ASSETS.—~~

2 The functions authorized to be performed by such
3 Special Assistant to the Secretary immediately be-
4 fore the enactment of this Act, and the assets and
5 personnel associated with such functions, are trans-
6 ferred to the Office of Partnership and Engagement
7 under section 709 of the Homeland Security Act of
8 2002, as added by this section.

9 ~~(3) CONFORMING AMENDMENT.—~~Section 102
10 of the Homeland Security Act of 2002 (6 U.S.C.
11 112) is amended by striking subsection (f).

12 ~~(c) CLERICAL AMENDMENT.—~~The table of contents
13 in section 1(b) of the Homeland Security Act of 2002 is
14 amended by inserting after the item relating to section
15 708 (as redesignated pursuant to section 1705(o) of this
16 Act) the following new item:

 “Sec. 709. Office of External Affairs.”.

17 **SEC. 1110. CHIEF PROCUREMENT OFFICER.**

18 ~~(a) IN GENERAL.—~~Title VII of the Homeland Secu-
19 rity Act of 2002 (6 U.S.C. 341 et seq.), as amended by
20 this Act, is further amended by adding at the end the fol-
21 lowing new section:

22 **“SEC. 710. CHIEF PROCUREMENT OFFICER.**

23 ~~“(a) IN GENERAL.—~~There is in the Department a
24 Chief Procurement Officer, who shall serve as a senior
25 business advisor to agency officials on procurement-re-

1 lated matters and report directly to the Under Secretary
2 for Management. The Chief Procurement Officer is the
3 senior procurement executive for purposes of subsection
4 (c) of section 1702 of title 41, United States Code, and
5 shall perform procurement functions as specified in such
6 subsection.

7 “(b) RESPONSIBILITIES.—The Chief Procurement
8 Officer shall—

9 “(1) delegate or retain contracting authority, as
10 appropriate;

11 “(2) issue procurement policies and oversee the
12 heads of contracting activity of the Department to
13 ensure compliance with those policies;

14 “(3) serve as the main liaison of the Depart-
15 ment to industry on procurement-related issues;

16 “(4) account for the integrity, performance, and
17 oversight of Department procurement and con-
18 tracting functions;

19 “(5) ensure that procurement contracting strat-
20 egies and plans are consistent with the intent and
21 direction of the Acquisition Review Board;

22 “(6) oversee a centralized acquisition workforce
23 certification and training program using, as appro-
24 priate, existing best practices and acquisition train-
25 ing opportunities from the Federal Government, pri-

1 vate sector, or universities and colleges to include
2 training on how best to identify actions that warrant
3 referrals for suspension or debarment;

4 “(7) provide input on the periodic performance
5 reviews of each head of contracting activity of the
6 Department;

7 “(8) collect baseline data and use such data to
8 establish performance measures on the impact of
9 strategic sourcing initiatives on the private sector,
10 including small businesses;

11 “(9) establish and implement policies and pro-
12 cedures to effectively monitor and manage
13 vulnerabilities in the supply chain for all Depart-
14 ment purchases;

15 “(10) ensure that a fair proportion of the value
16 of Federal contracts and subcontracts are awarded
17 to small businesses (in accordance with the procure-
18 ment contract goals under section 15(g) of the Small
19 Business Act (15 U.S.C. 644(g)), maximize opportu-
20 nities for small business participation in such con-
21 tracts, and ensure, to the extent practicable, small
22 businesses that achieve qualified vendor status for
23 security-related technologies are provided an oppor-
24 tunity to compete for contracts for such technology;

1 “(11) conduct oversight of implementation of
2 administrative agreements to resolve suspension or
3 debarment proceedings; and

4 “(12) carry out any other procurement duties
5 that the Under Secretary for Management may des-
6 ignate.

7 “(e) **HEAD OF CONTRACTING ACTIVITY DEFINED.**—
8 In this section the term ‘head of contracting activity’
9 means an official responsible for the creation, manage-
10 ment, and oversight of a team of procurement profes-
11 sionals properly trained, certified, and warranted to ac-
12 complish the acquisition of products and services on behalf
13 of the designated components, offices, and organizations
14 of the Department, and as authorized, other government
15 entities.”.

16 (b) **CLERICAL AMENDMENT.**—The table of contents
17 in section 1(b) of the Homeland Security Act of 2002, as
18 amended by this Act, is further amended by inserting after
19 the item relating to section 709 the following new item:
 “Sec. 710. Chief Procurement Officer.”.

20 **SEC. 1111. CHIEF SECURITY OFFICER.**

21 (a) **IN GENERAL.**—Title VII of the Homeland Secu-
22 rity Act of 2002 (6 U.S.C. 341 et seq.) is further amended
23 by inserting after the item relating to section 710, as
24 added by this Act, the following new section:

1 **“SEC. 711. CHIEF SECURITY OFFICER.**

2 “(a) IN GENERAL.—There is in the Department a
3 Chief Security Officer, who shall report directly to the
4 Under Secretary for Management.

5 “(b) RESPONSIBILITIES.—The Chief Security Officer
6 shall—

7 “(1) develop and implement the security poli-
8 cies, programs, and standards of the Department;

9 “(2) identify training and provide education to
10 Department personnel on security-related matters;
11 and

12 “(3) provide support to Department compo-
13 nents on security-related matters.”.

14 “(b) CLERICAL AMENDMENT.—The table of contents
15 in section 1(b) of such Act is further amended by inserting
16 after the item relating to section 710, as added by this
17 Act, the following new item:

“Sec. 711. Chief Security Officer.”.

18 **SEC. 1112. OFFICE OF INSPECTOR GENERAL.**

19 “(a) SENSE OF CONGRESS.—

20 “(1) FINDINGS.—Congress finds the following:

21 “(A) The Inspector General Act of 1978
22 mandates that Inspectors General are to con-
23 duct audits and investigations relating to the
24 programs and operations of Federal depart-
25 ments to promote economy, efficiency, and ef-

1 fectiveness in the administration of programs
2 and operations, and to prevent and detect fraud
3 and abuse in such programs and operations.

4 (B) The Inspector General Act of 1978
5 mandates that Inspectors General are to pro-
6 vide a means for keeping Federal departments
7 and the Congress fully and currently informed
8 about problems and deficiencies relating to the
9 administration of such programs and operations
10 and the necessity for and progress of corrective
11 action.

12 (C) The Office of the Inspector General of
13 the Department of Homeland Security detects,
14 investigates, and prevents instances of waste,
15 fraud, abuse, and mismanagement within the
16 Department, and offers solutions for response.

17 (D) The Office of the Inspector General of
18 the Department of Homeland Security consist-
19 ently produces high-value, high-impact work
20 that enhances the security and safety of the
21 homeland.

22 (E) The Inspector General of the Depart-
23 ment of Homeland Security provides the leader-
24 ship and accountability within the Office of the

1 Inspector General to oversee a cabinet-level
2 agency.

3 (F) The Inspector General of the Depart-
4 ment of Homeland Security stands as a leader
5 within the Inspector General community
6 through consistent exemplary service.

7 (G) The Office of Inspector General of the
8 Department of Homeland Security offers the
9 Federal Government and American taxpayers
10 an impressive return on investment, measured
11 in dollars spent versus dollars saved.

12 (H) The Office of the Inspector General of
13 the Department of Homeland Security enhances
14 the Department's ability to effectively and effi-
15 ciently administer laws.

16 (2) SENSE OF CONGRESS.—It is the sense of
17 Congress that the Inspector General of the Depart-
18 ment of Homeland Security plays a vital role in ful-
19 filling the Department's daily missions.

20 (b) NOTIFICATION.—The heads of offices and compo-
21 nents of the Department of Homeland Security shall
22 promptly advise the Inspector General of the Department
23 of all allegations of misconduct with respect to which the
24 Inspector General has investigative authority under the
25 Inspector General Act of 1978. The Inspector General

1 may waive the notification requirement under this sub-
2 section with respect to any category or subset of allega-
3 tions of misconduct.

4 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
5 tion may be construed as affecting the authority of the
6 Secretary of Homeland Security under subsection (a) of
7 section 8I of the Inspector General Act of 1978 (5 U.S.C.
8 App. 8I).

9 **SEC. 1113. OFFICE FOR CIVIL RIGHTS AND CIVIL LIB-**
10 **ERTIES.**

11 (a) **IN GENERAL.**—Section 705 of the Homeland Se-
12 curity Act of 2002 (6 U.S.C. 345) is amended—

13 (1) in the section heading, by striking “**ESTAB-**
14 **LISHMENT OF OFFICER FOR**”;

15 (2) by redesignating subsection (b) as sub-
16 section (c); and

17 (3) by inserting after subsection (a) the fol-
18 lowing new subsection:

19 “(b) **OFFICE FOR CIVIL RIGHTS AND CIVIL LIB-**
20 **ERTIES.**—There is in the Department an Office for Civil
21 Rights and Civil Liberties. Under the direction of the Offi-
22 cer for Civil Rights and Civil Liberties, the Office shall
23 support the Officer in the following:

24 “(1) Integrating civil rights and civil liberties
25 into activities of the Department by conducting pro-

1 grams and providing policy advice and other tech-
2 nical assistance.

3 ~~“(2) Investigating complaints and information~~
4 indicating possible abuses of civil rights or civil lib-
5 erties, unless the Inspector General of the Depart-
6 ment determines that any such complaint or infor-
7 mation should be investigated by the Inspector Gen-
8 eral.

9 ~~“(3) Carrying out the Department’s equal em-
10 ployment opportunity and diversity policies and pro-
11 grams, including complaint management and adju-
12 dication.~~

13 ~~“(4) Communicating with individuals and com-
14 munities whose civil rights and civil liberties may be
15 affected by Department activities.~~

16 ~~“(5) Any other activities as assigned by the Of-
17 ficer.”.~~

18 (b) ~~AUTHORIZATION OF APPROPRIATIONS.—~~There is
19 authorized to be appropriated \$22,571,000 for each of fis-
20 cal years 2018 and 2019 to carry out section 705 of the
21 Homeland Security Act of 2002, as amended by subsection
22 (a) of this section.

1 **SEC. 1114. DEPARTMENT OF HOMELAND SECURITY ROTA-**
2 **TION PROGRAM.**

3 (a) **ENHANCEMENTS TO THE ROTATION PROGRAM.—**

4 Section 844 of the Homeland Security Act of 2002 (6)
5 U.S.C. 414) is amended—

6 (1) by striking “(a) ESTABLISHMENT.—”;

7 (2) by redesignating paragraphs (1) through
8 (5) as subsections (a) through (e), respectively, and
9 adjusting the margins accordingly;

10 (3) in subsection (a), as so redesignated—

11 (A) by striking “Not later than 180 days
12 after the date of enactment of this section, the”
13 and inserting “The”; and

14 (B) by striking “for employees of the De-
15 partment” and inserting “for certain personnel
16 within the Department”;

17 (4) in subsection (b), as so redesignated—

18 (A) by redesignating subparagraphs (A)
19 through (G) as paragraphs (3) through (9), re-
20 spectively, and adjusting the margins accord-
21 ingly;

22 (B) by inserting before paragraph (3), as
23 so redesignated, the following new paragraphs:

24 “(1) seek to foster greater departmental inte-
25 gration and unity of effort;

1 “(2) seek to help enhance the knowledge, skills,
2 and abilities of participating personnel with respect
3 to the programs, policies, and activities of the De-
4 partment;”;

5 (C) in paragraph (4), as so redesignated,
6 by striking “middle and senior level”; and

7 (D) in paragraph (7), as so redesignated,
8 by inserting before “invigorate” the following:
9 “seek to improve morale and retention through-
10 out the Department and”;

11 (5) in subsection (e), as redesignated by para-
12 graph (2)—

13 (A) by redesignating subparagraphs (A)
14 and (B) as paragraphs (1) and (2), respectively,
15 and adjusting the margins accordingly; and

16 (B) in paragraph (2), as so redesignated—

17 (i) by striking clause (iii); and

18 (ii) by redesignating clauses (i), (ii),
19 and (iv) through (viii) as subparagraphs
20 (A) through (G), respectively, and adjust-
21 ing the margins accordingly;

22 (6) by redesignating subsections (d) and (e), as
23 redesignated by paragraph (2), as subsections (e)
24 and (f), respectively;

1 (7) by inserting after subsection (e) the fol-
2 lowing new subsection:

3 “(d) ADMINISTRATIVE MATTERS.—In carrying out
4 the Rotation Program the Secretary shall—

5 “(1) before selecting employees for participation
6 in the Rotation Program, disseminate information
7 broadly within the Department about the availability
8 of the Rotation Program, qualifications for partici-
9 pation in the Rotation Program, including full-time
10 employment within the employing component or of-
11 fice not less than one year, and the general provi-
12 sions of the Rotation Program;

13 “(2) require as a condition of participation in
14 the Rotation Program that an employee—

15 “(A) is nominated by the head of the com-
16 ponent or office employing the employee; and

17 “(B) is selected by the Secretary, or the
18 Secretary’s designee, solely on the basis of rel-
19 ative ability, knowledge, and skills, after fair
20 and open competition that assures that all can-
21 didates receive equal opportunity;

22 “(3) ensure that each employee participating in
23 the Rotation Program shall be entitled to return,
24 within a reasonable period of time after the end of
25 the period of participation, to the position held by

1 the employee, or a corresponding or higher position;
2 in the component or office that employed the em-
3 ployee prior to the participation of the employee in
4 the Rotation Program;

5 “(4) require that the rights that would be avail-
6 able to the employee if the employee were detailed
7 from the employing component or office to another
8 Federal agency or office remain available to the em-
9 ployee during the employee participation in the Ro-
10 tation Program; and

11 “(5) require that, during the period of partici-
12 pation by an employee in the Rotation Program, per-
13 formance evaluations for the employee—

14 “(A) shall be conducted by officials in the
15 office or component employing the employee
16 with input from the supervisors of the employee
17 at the component or office in which the em-
18 ployee is placed during that period; and

19 “(B) shall be provided the same weight
20 with respect to promotions and other rewards
21 as performance evaluations for service in the of-
22 fice or component employing the employee.”;
23 and

24 (8) by adding at the end the following new sub-
25 section:

1 “(g) INTELLIGENCE ROTATIONAL ASSIGNMENT PRO-
2 GRAM.—

3 “(1) ESTABLISHMENT.—The Secretary shall es-
4 tablish an Intelligence Rotational Assignment Pro-
5 gram as part of the Rotation Program under sub-
6 section (a).

7 “(2) ADMINISTRATION.—The Chief Human
8 Capital Officer, in conjunction with the Chief Intel-
9 ligence Officer, shall administer the Intelligence Ro-
10 tational Assignment Program established pursuant
11 to paragraph (1).

12 “(3) ELIGIBILITY.—The Intelligence Rotational
13 Assignment Program established pursuant to para-
14 graph (1) shall be open to employees serving in ex-
15 isting analyst positions within the Department’s In-
16 telligence Enterprise and other Department employ-
17 ees as determined appropriate by the Chief Human
18 Capital Officer and the Chief Intelligence Officer.

19 “(4) COORDINATION.—The responsibilities
20 specified in subsection (c)(2) that apply to the Rota-
21 tion Program under such subsection shall, as appli-
22 cable, also apply to the Intelligence Rotational As-
23 signment Program under this subsection.”.

24 “(b) CONGRESSIONAL NOTIFICATION AND OVER-
25 SIGHT.—Not later than 120 days after the date of the en-

1 actment of this Act, the Secretary of Homeland Security
2 shall provide to the Committee on Homeland Security and
3 the Permanent Select Committee on Intelligence of the
4 House of Representatives and the Committee on Home-
5 land Security and Governmental Affairs of the Senate in-
6 formation about the status of the Homeland Security Ro-
7 tation Program authorized by section 844 of the Home-
8 land Security Act of 2002, as amended by subsection (a)
9 of this section.

10 **SEC. 1115. FUTURE YEARS HOMELAND SECURITY PRO-**
11 **GRAM.**

12 (a) **IN GENERAL.**—Section 874 of the Homeland Se-
13 curity Act of 2002 (6 U.S.C. 454) is amended—

14 (1) in the section heading, by striking “**YEAR**”
15 and inserting “**YEARS**”;

16 (2) by striking subsection (a) and inserting the
17 following:

18 “(a) **IN GENERAL.**—Not later than 60 days after the
19 date on which the budget of the President is submitted
20 to Congress under section 1105(a) of title 31, United
21 States Code, the Secretary shall submit to the Committee
22 on Homeland Security and Governmental Affairs of the
23 Senate and the Committee on Homeland Security of the
24 House of Representatives (referred to in this section as
25 the ‘appropriate committees’) a Future Years Homeland

1 Security Program that covers the fiscal year for which the
2 budget is submitted and the 4 succeeding fiscal years.”;
3 and

4 (3) by striking subsection (c) and inserting the
5 following new subsections:

6 “(c) PROJECTION OF ACQUISITION ESTIMATES.—On
7 and after February 1, 2018, each Future Years Homeland
8 Security Program shall project—

9 “(1) acquisition estimates for the fiscal year for
10 which the budget is submitted and the four suc-
11 ceeding fiscal years, with specified estimates for each
12 fiscal year, for all major acquisitions by the Depart-
13 ment and each component of the Department; and

14 “(2) estimated annual deployment schedules for
15 all physical asset major acquisitions over the five-fis-
16 cal-year period described in paragraph (1) and the
17 full operating capability for all information tech-
18 nology major acquisitions.

19 “(d) SENSITIVE AND CLASSIFIED INFORMATION.—
20 The Secretary may include with each Future Years Home-
21 land Security Program a classified or other appropriately
22 controlled document containing any information required
23 to be submitted under this section that is restricted from
24 public disclosure in accordance with Federal law or any
25 Executive order.

1 “(e) ~~AVAILABILITY OF INFORMATION TO THE PUB-~~
 2 ~~LIC.—The Secretary shall make available to the public in~~
 3 ~~electronic form the information required to be submitted~~
 4 ~~to the appropriate committees under this section; other~~
 5 ~~than information described in subsection (d).”.~~

6 (b) ~~CLERICAL AMENDMENT.—The table of contents~~
 7 ~~in section 1(b) of such Act is further amended by striking~~
 8 ~~the item relating to section 874 and inserting the following~~
 9 ~~new item:~~

“874. Future Years Homeland Security Program.”.

10 **SEC. 1116. FIELD EFFICIENCIES PLAN.**

11 (1) ~~IN GENERAL.—Not later than 270 days~~
 12 ~~after the date of the enactment of this Act, the Sec-~~
 13 ~~retary of Homeland Security shall submit to the~~
 14 ~~Committee on Homeland Security and the Com-~~
 15 ~~mittee on Transportation and Infrastructure of the~~
 16 ~~House of Representatives and Committee on Home-~~
 17 ~~land Security and Governmental Affairs of the Sen-~~
 18 ~~ate a field efficiencies plan that—~~

19 (A) ~~examines the facilities and administra-~~
 20 ~~tive and logistics functions of components of the~~
 21 ~~Department of Homeland Security located with-~~
 22 ~~in designated geographic areas; and~~

23 (B) ~~provides specific recommendations and~~
 24 ~~an associated cost-benefit analysis for the con-~~
 25 ~~solidation of the facilities and administrative~~

1 and logistics functions of components of the De-
2 partment within each designated geographic
3 area.

4 (2) CONTENTS.—The field efficiencies plan sub-
5 mitted under paragraph (1) shall include the fol-
6 lowing:

7 (A) An accounting of leases held by the
8 Department or its components that have ex-
9 pired in the current fiscal year or will be expir-
10 ing in the next fiscal year; that have begun or
11 been renewed in the current fiscal year; or that
12 the Department or its components plan to sign
13 or renew in the next fiscal year.

14 (B) For each designated geographic area—

15 (i) An evaluation of specific facilities
16 at which components, or operational enti-
17 ties of components, of the Department may
18 be closed or consolidated, including consid-
19 eration of when leases expire or facilities
20 owned by the government become available.

21 (ii) An evaluation of potential consoli-
22 dation with facilities of other Federal,
23 State, or local entities, including—

24 (I) offices;

25 (II) warehouses;

- 1 (III) training centers;
- 2 (IV) housing;
- 3 (V) ports, shore facilities, and
- 4 airfields;
- 5 (VI) laboratories; and
- 6 (VII) other assets as determined
- 7 by the Secretary.

8 (iii) An evaluation of the potential for
9 the consolidation of administrative and lo-
10 gistics functions, including—

- 11 (I) facility maintenance;
- 12 (II) fleet vehicle services;
- 13 (III) mail handling and shipping
- 14 and receiving;
- 15 (IV) facility security;
- 16 (V) procurement of goods and
- 17 services;
- 18 (VI) information technology and
- 19 telecommunications services and sup-
20 port; and
- 21 (VII) additional ways to improve
- 22 unity of effort and cost savings for
- 23 field operations and related support
- 24 activities as determined by the Sec-
25 retary.

- 1 (C) An implementation plan, including—
- 2 (i) near-term actions that can co-lo-
- 3 cate, consolidate, or dispose of property
- 4 within 24 months;
- 5 (ii) identifying long-term occupancy
- 6 agreements or leases that cannot be
- 7 changed without a significant cost to the
- 8 Government; and
- 9 (iii) how the Department can ensure
- 10 it has the capacity, in both personnel and
- 11 funds, needed to cover up-front costs to
- 12 achieve consolidation and efficiencies.
- 13 (D) An accounting of any consolidation of
- 14 the real estate footprint of the Department or
- 15 any component of the Department, including
- 16 the co-location of personnel from different com-
- 17 ponents, offices, and agencies within the De-
- 18 partment.

1 **SEC. 1117. SUBMISSION TO CONGRESS OF INFORMATION**
2 **REGARDING REPROGRAMMING OR TRANS-**
3 **FER OF DEPARTMENT OF HOMELAND SECU-**
4 **RITY RESOURCES TO RESPOND TO OPER-**
5 **ATIONAL SURGES.**

6 (a) **IN GENERAL.**—Title VII of the Homeland Secu-
7 rity Act of 2002 is further amended by adding at the end
8 the following new section:

9 **“SEC. 712. ANNUAL SUBMITTAL TO CONGRESS OF INFOR-**
10 **MATION ON REPROGRAMMING OR TRANS-**
11 **FERS OF FUNDS TO RESPOND TO OPER-**
12 **ATIONAL SURGES.**

13 “For each fiscal year until fiscal year 2023, the Sec-
14 retary of Homeland Security shall provide to the Com-
15 mittee on Homeland Security of the House of Representa-
16 tives and the Committee on Homeland Security and Gov-
17 ernmental Affairs of the Senate, together with the annual
18 budget request for the Department, information on—

19 “(1) any circumstance during the year covered
20 by the report in which the Secretary exercised the
21 authority to reprogram or transfer funds to address
22 unforeseen costs, including costs associated with
23 operational surges; and

24 “(2) any circumstance in which any limitation
25 on the transfer or reprogramming of funds affected

1 the ability of the Secretary to address such unfore-
2 seen costs.”.

3 (b) ~~CLERICAL AMENDMENT.~~—The table of contents
4 in section 1(b) of such Act is further amended by inserting
5 after the item relating to section 711, as added by this
6 Act, the following new item:

“712. Annual submittal to Congress of information on reprogramming or trans-
fers of funds to respond to operational surges.”.

7 **SEC. 1118. REPORT TO CONGRESS ON COST SAVINGS AND**
8 **EFFICIENCY.**

9 (a) ~~IN GENERAL.~~—Not later than two years after the
10 date of the enactment of this Act, the Secretary of Home-
11 land Security, acting through the Under Secretary of
12 Homeland Security for Management, shall submit to the
13 congressional homeland security committees a report that
14 includes each of the following:

15 (1) A detailed accounting of the management
16 and administrative expenditures and activities of
17 each component of the Department of Homeland Se-
18 curity and identifies potential cost savings,
19 avoidances, and efficiencies for those expenditures
20 and activities.

21 (2) An examination of major physical assets of
22 the Department, as defined by the Secretary;

1 posed organizational structure for the efficient and
2 effective management of such research and develop-
3 ment activities.

4 (2) ORGANIZATIONAL JUSTIFICATION.—The
5 proposed organizational structure for the manage-
6 ment of the Department of Homeland Security’s re-
7 search and development activities included in the as-
8 sessment required under paragraph (1) shall include
9 the following:

10 (A) A discussion of the methodology for
11 determining such proposed organizational struc-
12 ture.

13 (B) A comprehensive inventory of research
14 and development activities of the Department,
15 and the proposed location of each activity under
16 such proposed organizational structure, includ-
17 ing a description of the effects on specific direc-
18 torates and offices based on any proposed relo-
19 cation of their activities.

20 (C) Information relating to how such pro-
21 posed organizational structure will facilitate and
22 promote enhanced coordination and better col-
23 laboration between the research and develop-
24 ment activities of the Department and the of-
25 fices and components of the Department, in-

1 eluding a specific description of operational
2 challenges resulting from the current organiza-
3 tional structure and a detailed explanation of
4 how the proposed organizational structure will
5 address such challenges.

6 (D) Information relating to how such pro-
7 posed organizational structure will support the
8 development of research and development prior-
9 ities and capabilities across the Department.

10 (E) A discussion of any resulting cost sav-
11 ings and efficiencies from such proposed organi-
12 zational structure.

13 (F) Recommendations for any necessary
14 statutory changes, an explanation of why no
15 statutory or organizational changes are nec-
16 essary, or a request for additional time to com-
17 plete the organizational justification.

18 (b) DEPARTMENT OF HOMELAND SECURITY CHEM-
19 ICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, AND EX-
20 PLOSIVES ACTIVITIES.—

21 (1) IN GENERAL.—The Secretary of Homeland
22 Security shall—

23 (A) assess the organization and manage-
24 ment of the Department of Homeland Secu-
25 rity's chemical, biological, radiological, nuclear,

1 and explosives activities, including the activities
2 of the Office of Health Affairs, the Domestic
3 Nuclear Detection Office, and the Office for
4 Bombing Prevention; and

5 (B) by not later than six months after the
6 date of the enactment of this Act, develop and
7 submit to the Committee on Homeland Security
8 and the Committee on Science, Space, and
9 Technology of the House of Representatives
10 and the Committee on Homeland Security and
11 Governmental Affairs of the Senate a proposed
12 organizational structure to ensure enhanced co-
13 ordination, effectiveness, and efficiency by pro-
14 viding strengthened chemical, biological, radio-
15 logical, nuclear, and explosives capabilities in
16 support of homeland security.

17 (2) ORGANIZATIONAL JUSTIFICATION.—The
18 proposed organizational structure for the manage-
19 ment of the Department of Homeland Security's
20 chemical, biological, radiological, nuclear, and explo-
21 sives activities included in the assessment required
22 under paragraph (1) shall include the following:

23 (A) A discussion of the methodology for
24 determining such proposed organizational struc-
25 ture.

1 (B) A comprehensive inventory of chem-
2 ical, biological, radiological, nuclear, and explo-
3 sives activities of the Department, and the pro-
4 posed location of each activity under such pro-
5 posed organizational structure.

6 (C) Information relating to how such pro-
7 posed organizational structure will enhance the
8 development of chemical, biological, radiological,
9 nuclear, and explosives priorities and capabili-
10 ties across the Department, including a specific
11 description of operational challenges resulting
12 from the current organizational structure and a
13 detailed explanation of how the proposed orga-
14 nizational structure will address such chal-
15 lenges.

16 (D) A discussion of any resulting cost sav-
17 ings and efficiencies from such proposed organi-
18 zational structure.

19 (E) Recommendations for any necessary
20 statutory changes, an explanation of why no
21 statutory or organizational changes are nec-
22 essary, or a request for additional time to com-
23 plete the organizational justification.

24 (c) REVIEW REQUIRED.—Not later than three
25 months after the submission of the proposed organiza-

1 tional justifications required under subsections (a)(1) and
2 (b)(1), the Comptroller General of the United States shall
3 submit to the Committee on Homeland Security and the
4 Committee on Science, Space, and Technology of the
5 House of Representatives and the Committee on Home-
6 land Security and Governmental Affairs of the Senate a
7 review of the organizational justifications. The review shall
8 consider how the proposed organizational realignment, or
9 lack thereof, of research and development activities and
10 chemical, biological, radiological, nuclear, and explosives
11 activities will improve or impede the Department's ongo-
12 ing efforts in such mission areas, including an assessment
13 of—

14 (1) any potential cost savings or additional
15 costs incurred as a result of any proposed organiza-
16 tional realignment;

17 (2) an assessment of the comparison of benefits
18 and costs of the proposed organizational structure;

19 (3) the extent to which the organizational jus-
20 tification submitted pursuant to subsections (a)(1)
21 and (b)(1) fully assesses, documents, and addresses
22 any potential problems that could result from any
23 proposed organizational realignment;

24 (4) the extent to which the organizational jus-
25 tification identifies specific deficiencies in operations

1 resulting from the existing organizational structure
2 of the Department and an explanation of how any
3 proposed realignment will address such deficiencies;

4 (5) the extent to which the Department solie-
5 ited and incorporated the feedback of its workforce
6 in the proposed organizational structure; and

7 (6) the extent to which the Department con-
8 ducted and incorporated stakeholder outreach in de-
9 veloping the proposed organizational structure.

10 **SEC. 1120. ACTIVITIES RELATED TO CHILDREN.**

11 Paragraph (6) of subsection (e) of section 708 of the
12 Homeland Security Act of 2002 (6 U.S.C. 349(e)), as re-
13 designated by section 410 of this Act, is amended by in-
14 serting “, including feedback from organizations rep-
15 resenting the needs of children,” after “stakeholder feed-
16 back”.

17 **Subtitle B—Human Resources and**
18 **Other Matters**

19 **SEC. 1131. CHIEF HUMAN CAPITAL OFFICER RESPONSIBIL-**
20 **ITIES.**

21 Section 704 of the Homeland Security Act of 2002
22 (6 U.S.C. 344) is amended—

23 (1) in subsection (b)—

24 (A) in paragraph (1)—

1 (i) by inserting “, including with re-
2 spect to leader development and employee
3 engagement,” after “policies”;

4 (ii) by striking “and in line” and in-
5 serting “, in line”; and

6 (iii) by inserting “and informed by
7 best practices within the Federal govern-
8 ment and the private sector,” after “prior-
9 ities,”;

10 (B) in paragraph (2), by striking “develop
11 performance measures to provide a basis for
12 monitoring and evaluating” and inserting
13 “evaluate, on an ongoing basis,”;

14 (C) in paragraph (3), by inserting “that,
15 to the extent practicable, are informed by em-
16 ployee feedback,” after “policies”;

17 (D) in paragraph (4), by inserting “includ-
18 ing leader development and employee engage-
19 ment programs,” before “in coordination”;

20 (E) in paragraph (5), by inserting before
21 the semicolon at the end the following: “that is
22 informed by an assessment, carried out by the
23 Chief Human Capital Officer, of the learning
24 and developmental needs of employees in super-
25 visory and non-supervisory roles across the De-

1 partment and appropriate workforce planning
2 initiatives”;

3 (F) by redesignating paragraphs (9) and
4 (10) as paragraphs (11) and (12), respectively;
5 and

6 (G) by inserting after paragraph (8) the
7 following new paragraphs:

8 “(9) maintain a catalogue of available employee
9 development opportunities, including the Homeland
10 Security Rotation Program pursuant to section 844,
11 departmental leadership development programs,
12 interagency development programs, and other rota-
13 tional programs;

14 “(10) ensure that employee discipline and ad-
15 verse action programs comply with the requirements
16 of all pertinent laws, rules, regulations, and Federal
17 guidance, and ensure due process for employees;”;

18 (2) by redesignating subsections (d) and (e) as
19 subsections (e) and (f), respectively;

20 (3) by inserting after subsection (e) the fol-
21 lowing new subsection:

22 “(d) CHIEF LEARNING AND ENGAGEMENT OFFI-
23 CER.—The Chief Human Capital Officer may designate
24 an employee of the Department to serve as a Chief Learn-

1 ing and Engagement Officer to assist the Chief Human
2 Capital Officer in carrying out this section.”; and

3 (4) in subsection (c), as so redesignated—

4 (A) by redesignating paragraphs (2), (3),
5 and (4) as paragraphs (5), (6), and (7), respec-
6 tively; and

7 (B) by inserting after paragraph (1) the
8 following new paragraphs:

9 “(2) information on employee development op-
10 portunities catalogued pursuant to paragraph (9) of
11 subsection (b) and any available data on participa-
12 tion rates, attrition rates, and impacts on retention
13 and employee satisfaction;

14 “(3) information on the progress of Depart-
15 ment-wide strategic workforce planning efforts as
16 determined under paragraph (2) of subsection (b);

17 “(4) information on the activities of the steer-
18 ing committee established pursuant to section
19 710(a), including the number of meeting, types of
20 materials developed and distributed, and rec-
21 ommendations made to the Secretary.”.

1 **SEC. 1132. EMPLOYEE ENGAGEMENT STEERING COM-**
2 **MITTEE AND ACTION PLAN.**

3 (a) IN GENERAL.—Title VII of the Homeland Secu-
4 rity Act of 2002 (6 U.S.C. 341 et seq.) is amended by
5 adding at the end the following new section:

6 **“SEC. 714. EMPLOYEE ENGAGEMENT.**

7 “(a) STEERING COMMITTEE.—Not later than 120
8 days after the date of the enactment of this section, the
9 Secretary shall establish an employee engagement steering
10 committee, including representatives from operational
11 components, headquarters, and field personnel, including
12 supervisory and non-supervisory personnel, and employee
13 labor organizations that represent Department employees,
14 and chaired by the Under Secretary for Management, to
15 carry out the following activities:

16 “(1) Identify factors that have a negative im-
17 pact on employee engagement, morale, and commu-
18 nications within the Department, such as percep-
19 tions about limitations on career progression, mobil-
20 ity, or development opportunities, collected through
21 employee feedback platforms, including through an-
22 nual employee surveys, questionnaires, and other
23 communications, as appropriate.

24 “(2) Identify, develop, and distribute initiatives
25 and best practices to improve employee engagement,
26 morale, and communications within the Department,

1 including through annual employee surveys, ques-
2 tionnaires, and other communications, as appro-
3 priate.

4 “(3) Monitor efforts of each component to ad-
5 dress employee engagement, morale, and commu-
6 nications based on employee feedback provided
7 through annual employee surveys, questionnaires,
8 and other communications, as appropriate.

9 “(4) Advise the Secretary on efforts to improve
10 employee engagement, morale, and communications
11 within specific components and across the Depart-
12 ment.

13 “(5) Conduct regular meetings and report, not
14 less than once per quarter, to the Under Secretary
15 for Management, the head of each component, and
16 the Secretary on Department-wide efforts to improve
17 employee engagement, morale, and communications.

18 “(b) ACTION PLAN; REPORTING.—The Secretary,
19 acting through the Chief Human Capital Officer, shall—

20 “(1) not later than 120 days after the date of
21 the establishment of the steering committee under
22 subsection (a), issue a Department-wide employee
23 engagement action plan, reflecting input from the
24 employee engagement steering committee established
25 pursuant to subsection (a) and employee feedback

1 provided through annual employee surveys, question-
2 naires, and other communications in accordance with
3 paragraph (1) of such subsection; to execute strate-
4 gies to improve employee engagement, morale, and
5 communications within the Department; and

6 “(2) require the head of each component to—

7 “(A) develop and implement a component-
8 specific employee engagement plan to advance
9 the action plan required under paragraph (1)
10 that includes performance measures and objec-
11 tives; is informed by employee feedback pro-
12 vided through annual employee surveys, ques-
13 tionnaires, and other communications, as appro-
14 priate; and sets forth how employees and, where
15 applicable, their labor representatives are to be
16 integrated in developing programs and initia-
17 tives;

18 “(B) monitor progress on implementation
19 of such action plan; and

20 “(C) provide to the Chief Human Capital
21 Officer and the steering committee quarterly re-
22 ports on actions planned and progress made
23 under this paragraph.

1 “(c) **TERMINATION.**—This section shall terminate on
2 the date that is five years after the date of the enactment
3 of this section.”.

4 (b) **CLERICAL AMENDMENT.**—The table of contents
5 in section 1(b) of the Homeland Security Act of 2002 is
6 amended by inserting after the item related to section 713,
7 as added by this Act, the following new item:

“Sec. 714. Employee engagement.”.

8 (c) **SUBMISSIONS TO CONGRESS.**—

9 (1) **DEPARTMENT-WIDE EMPLOYEE ENGAGE-**
10 **MENT ACTION PLAN.**—The Secretary of Homeland
11 Security, acting through the Chief Human Capital
12 Officer of the Department of Homeland Security,
13 shall submit to the Committee on Homeland Secu-
14 rity of the House of Representatives and the Com-
15 mittee on Homeland Security and Governmental Af-
16 fairs of the Senate the Department-wide employee
17 engagement action plan required under subsection
18 (b)(1) of section 714 of the Homeland Security Act
19 of 2002 (as added by subsection (a) of this section)
20 not later than 30 days after the issuance of such
21 plan under such subsection (b)(1).

22 (2) **COMPONENT-SPECIFIC EMPLOYEE ENGAGE-**
23 **MENT PLANS.**—Each head of a component of the
24 Department of Homeland Security shall submit to
25 the Committee on Homeland Security of the House

1 of Representatives and the Committee on Homeland
2 Security and Governmental Affairs of the Senate the
3 component-specific employee engagement plan of
4 each such component required under subsection
5 (b)(2) of section 714 of the Homeland Security Act
6 of 2002 (as added by subsection (a) of this section)
7 not later than 30 days after the issuance of each
8 such plan under such subsection (b)(2).

9 **SEC. 1133. ANNUAL EMPLOYEE AWARD PROGRAM.**

10 (a) IN GENERAL.—Title VII of the Homeland Secu-
11 rity Act of 2002 (6 U.S.C. 341 et seq.), as amended by
12 this Act, is further amended by adding at the end the fol-
13 lowing new section:

14 **“SEC. 715. ANNUAL EMPLOYEE AWARD PROGRAM.**

15 “(a) IN GENERAL.—The Secretary may establish an
16 annual employee award program to recognize Department
17 employees or groups of employees for significant contribu-
18 tions to the achievement of the Department’s goals and
19 missions. If such a program is established, the Secretary
20 shall—

21 “(1) establish within such program categories
22 of awards, each with specific criteria, that empha-
23 sizes honoring employees who are at the non-super-
24 visory level;

1 “(2) publicize within the Department how any
2 employee or group of employees may be nominated
3 for an award;

4 “(3) establish an internal review board com-
5 prised of representatives from Department compo-
6 nents, headquarters, and field personnel to submit to
7 the Secretary award recommendations regarding
8 specific employees or groups of employees;

9 “(4) select recipients from the pool of nominees
10 submitted by the internal review board under para-
11 graph (3) and convene a ceremony at which employ-
12 ees or groups of employees receive such awards from
13 the Secretary; and

14 “(5) publicize such program within the Depart-
15 ment.

16 “(b) INTERNAL REVIEW BOARD.—The internal re-
17 view board described in subsection (a)(3) shall, when ear-
18 rying out its function under such subsection, consult with
19 representatives from operational components and head-
20 quarters, including supervisory and non-supervisory per-
21 sonnel, and employee labor organizations that represent
22 Department employees.

23 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion may be construed to authorize additional funds to
25 carry out the requirements of this section or to require

1 the Secretary to provide monetary bonuses to recipients
2 of an award under this section.”.

3 (b) **CLERICAL AMENDMENT.**—The table of contents
4 in section 1(b) of the Homeland Security Act of 2002, as
5 amended this Act, is further amended by inserting after
6 the item relating to section 714 the following new item:
“Sec. 715. Annual employee award program.”.

7 **SEC. 1134. INDEPENDENT INVESTIGATION AND IMPLEMEN-**
8 **TATION PLAN.**

9 (a) **IN GENERAL.**—Not later than 120 days after the
10 date of the enactment of this Act or the issuance of a
11 report by the Inspector General of the Department of
12 Homeland Security on the extent to which the Department
13 has an equitable and consistent disciplinary process,
14 whichever is later, but in no case later than one year after
15 such date of enactment, the Comptroller General of the
16 United States shall utilize, if available, such report and
17 investigate whether the application of discipline and ad-
18 verse actions are administered in an equitable and con-
19 sistent manner that results in the same or substantially
20 similar disciplinary outcomes across the Department for
21 misconduct by a non-supervisory or supervisor employee
22 who engaged in the same or substantially similar mis-
23 conduct.

24 (b) **CONSULTATION.**—In carrying out the investiga-
25 tion described in subsection (a), the Comptroller General

1 of the United States shall consult with the employee en-
2 gagement steering committee established pursuant to sub-
3 section (b)(1) of section 714 of the Homeland Security
4 Act of 2002 (as added by this Act).

5 (e) ACTION BY UNDER SECRETARY FOR MANAGE-
6 MENT.—Upon completion of the investigation described in
7 subsection (a), the Under Secretary for Management of
8 the Department of Homeland Security shall review the
9 findings and recommendations of such investigation and
10 implement a plan, in consultation with the employee en-
11 gagement steering committee established pursuant to sub-
12 section (b)(1) of section 714 of the Homeland Security
13 Act of 2002, to correct any relevant deficiencies identified
14 by the Comptroller General of the United States. The
15 Under Secretary for Management shall direct the em-
16 ployee engagement steering committee to review such plan
17 to inform committee activities and action plans authorized
18 under such section 714.

19 **SEC. 1135. TIMELY GUIDANCE TO DHS PERSONNEL RE-**
20 **GARDING EXECUTIVE ORDERS.**

21 (a) IN GENERAL.—Title VII of the Homeland Secu-
22 rity Act of 2002 is further amended by adding at the end
23 the following new section:

1 **“SEC. 716. TIMELY GUIDANCE TO PERSONNEL REGARDING**
2 **EXECUTIVE ORDERS.**

3 “To the maximum extent practicable, before any Ex-
4 ecutive order affecting Department functions, programs,
5 or operations takes effect, the Secretary, in coordination
6 with the heads of relevant Department components and
7 offices, shall make every effort to, as expeditiously as pos-
8 sible, provide to relevant Department personnel written
9 guidance regarding how such Executive order is to be im-
10 plemented.”.

11 (b) **CLERICAL AMENDMENT.**—The table of contents
12 in section 1(b) of such Act is further amended by inserting
13 after the item relating to section 715, as added by this
14 Act, the following new item:

“Sec. 716. Timely guidance to personnel regarding Executive orders.”.

15 **SEC. 1136. SECRETARY’S RESPONSIBILITIES REGARDING**
16 **ELECTION INFRASTRUCTURE.**

17 The Secretary of Homeland Security shall continue
18 to prioritize the provision of assistance, on a voluntary
19 basis, to State and local election officials in recognition
20 of the importance of election infrastructure to the United
21 States and that its incapacity or destruction would have
22 a debilitating impact on national security, and that state
23 and non-state adversaries should not compromise election
24 infrastructure.

1 **TITLE II—DEPARTMENT OF**
2 **HOMELAND SECURITY ACQUI-**
3 **SITION ACCOUNTABILITY**
4 **AND EFFICIENCY**

5 **SEC. 1201. DEFINITIONS.**

6 (a) **IN GENERAL.**—Subtitle D of title VIII of the
7 Homeland Security Act of 2002 is amended by inserting
8 before section 831 the following new section:

9 **“SEC. 830. DEFINITIONS.**

10 “In this subtitle:

11 “(1) The term ‘acquisition’ has the meaning
12 given such term in section 131 of title 41, United
13 States Code.

14 “(2) The term ‘acquisition decision authority’
15 means the authority, held by the Secretary acting
16 through the Deputy Secretary or Under Secretary
17 for Management to—

18 “(A) ensure compliance with Federal law,
19 the Federal Acquisition Regulation, and De-
20 partment acquisition management directives;

21 “(B) review (including approving, pausing,
22 modifying, or canceling) an acquisition program
23 through the life cycle of such program;

1 “(C) ensure that acquisition program man-
2 agers have the resources necessary to success-
3 fully execute an approved acquisition program;

4 “(D) ensure good acquisition program
5 management of cost, schedule, risk, and system
6 performance of the acquisition program at
7 issue, including assessing acquisition program
8 baseline breaches and directing any corrective
9 action for such breaches; and

10 “(E) ensure that acquisition program man-
11 agers, on an ongoing basis, monitor cost, sched-
12 ule, and performance against established base-
13 lines and use tools to assess risks to an acquisi-
14 tion program at all phases of the life cycle of
15 such program to avoid and mitigate acquisition
16 program baseline breaches.

17 “(3) The term ‘acquisition decision event’
18 means, with respect to an acquisition program, a
19 predetermined point within each of the acquisition
20 phases at which the acquisition decision authority
21 determines whether such acquisition program shall
22 proceed to the next acquisition phase.

23 “(4) The term ‘acquisition decision memo-
24 randum’ means, with respect to an acquisition, the
25 official acquisition decision event record that in-

1 eludes a documented record of decisions, exit cri-
2 teria, and assigned actions for such acquisition, as
3 determined by the person exercising acquisition deci-
4 sion authority for such acquisition.

5 “(5) The term ‘acquisition program’ means the
6 process by which the Department acquires, with any
7 appropriated amounts, by contract for purchase or
8 lease, property or services (including construction)
9 that support the missions and goals of the Depart-
10 ment.

11 “(6) The term ‘acquisition program baseline’,
12 with respect to an acquisition program, means a
13 summary of the cost, schedule, and performance pa-
14 rameters, expressed in standard, measurable, quan-
15 titative terms, which must be met in order to accom-
16 plish the goals of such program.

17 “(7) The term ‘best practices’, with respect to
18 acquisition, means a knowledge-based approach to
19 capability development that includes—

20 “(A) identifying and validating needs;

21 “(B) assessing alternatives to select the
22 most appropriate solution;

23 “(C) clearly establishing well-defined re-
24 quirements;

1 “(D) developing realistic cost assessments
2 and schedules;

3 “(E) securing stable funding that matches
4 resources to requirements;

5 “(F) demonstrating technology, design,
6 and manufacturing maturity;

7 “(G) using milestones and exit criteria or
8 specific accomplishments that demonstrate
9 progress;

10 “(H) adopting and executing standardized
11 processes with known success across programs;

12 “(I) establishing an adequate workforce
13 that is qualified and sufficient to perform nec-
14 essary functions; and

15 “(J) integrating the capabilities described
16 in subparagraphs (A) through (I) into the De-
17 partment’s mission and business operations.

18 “(8) The term ‘breach’, with respect to a major
19 acquisition program, means a failure to meet any
20 cost, schedule, or performance threshold specified in
21 the most recently approved acquisition program
22 baseline.

23 “(9) The term ‘congressional homeland security
24 committees’ means—

1 “(A) the Committee on Homeland Security
2 of the House of Representatives and the Com-
3 mittee on Homeland Security and Govern-
4 mental Affairs of the Senate; and

5 “(B) the Committee on Appropriations of
6 the House of Representatives and of the Sen-
7 ate.

8 “(10) The term ‘Component Acquisition Execu-
9 tive’ means the senior acquisition official within a
10 component who is designated in writing by the
11 Under Secretary for Management, in consultation
12 with the component head, with authority and re-
13 sponsibility for leading a process and staff to provide
14 acquisition and program management oversight, pol-
15 icy, and guidance to ensure that statutory, regu-
16 latory, and higher level policy requirements are ful-
17 filled, including compliance with Federal law, the
18 Federal Acquisition Regulation, and Department ac-
19 quisition management directives established by the
20 Under Secretary for Management.

21 “(11) The term ‘life cycle cost’ means the total
22 ownership cost of an acquisition, including all rel-
23 evant costs related to acquiring, owning, operating,
24 maintaining, and disposing of the system, project, or
25 product over a specified period of time.

1 “(12) The term ‘major acquisition program’
 2 means a Department acquisition program that is es-
 3 timated by the Secretary to require an eventual total
 4 expenditure of at least \$300,000,000 (based on fis-
 5 cal year 2017 constant dollars) over its life cycle
 6 cost.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
 8 in section 1(b) of such Act is further amended by inserting
 9 before the item relating to section 831 the following new
 10 item:

 “830. Definitions.”.

11 **Subtitle A—Acquisition Authorities**

12 **SEC. 1211. ACQUISITION AUTHORITIES FOR UNDER SEC-** 13 **RETARY FOR MANAGEMENT OF THE DEPART-** 14 **MENT OF HOMELAND SECURITY.**

15 Section 701 of the Homeland Security Act of 2002
 16 (6 U.S.C. 341) is amended—

17 (1) in subsection (a)(2), by inserting “and ac-
 18 quisition management” after “procurement”;

19 (2) by redesignating subsections (d) and (e) as
 20 subsections (e) and (f), respectively; and

21 (3) by inserting after subsection (e) the fol-
 22 lowing new subsection:

23 “(d) ACQUISITION AND RELATED RESPONSIBIL-
 24 ITIES.—

1 “(1) IN GENERAL.—Notwithstanding subsection
2 (a) of section 1702 of title 41, United States Code,
3 the Under Secretary for Management is the Chief
4 Acquisition Officer of the Department. As Chief Ac-
5 quisition Officer, the Under Secretary shall have the
6 authorities and perform the functions specified in
7 subsection (b) of such section and shall perform all
8 other functions and responsibilities delegated by the
9 Secretary or described in this subsection.

10 “(2) FUNCTIONS AND RESPONSIBILITIES.—In
11 addition to the authorities and functions specified in
12 section 1702(b) of title 41, United States Code, the
13 functions and responsibilities of the Under Secretary
14 for Management related to acquisition include the
15 following:

16 “(A) Advising the Secretary regarding ac-
17 quisition management activities, taking into ac-
18 count risks of failure to achieve cost, schedule,
19 or performance parameters, to ensure that the
20 Department achieves its mission through the
21 adoption of widely accepted program manage-
22 ment best practices and standards and, where
23 appropriate, acquisition innovation best prac-
24 tices.

1 “(B) Leading the acquisition oversight
2 body of the Department, the Acquisition Review
3 Board, and exercising the acquisition decision
4 authority to approve, pause, modify (including
5 the rescission of approvals of program mile-
6 stones); or cancel major acquisition programs,
7 unless the Under Secretary delegates such au-
8 thority to a Component Acquisition Executive
9 pursuant to paragraph (3).

10 “(C) Establishing policies for acquisition
11 that implement an approach that takes into ac-
12 count risks of failure to achieve cost, schedule,
13 or performance parameters that all components
14 of the Department shall comply with, including
15 outlining relevant authorities for program man-
16 agers to effectively manage acquisition pro-
17 grams.

18 “(D) Ensuring that each major acquisition
19 program has a Department-approved acquisi-
20 tion program baseline, pursuant to the Depart-
21 ment’s acquisition management policy.

22 “(E) Ensuring that the heads of compo-
23 nents and Component Acquisition Executives
24 comply with Federal law, the Federal Acquisi-

1 tion Regulation, and Department acquisition
2 management directives.

3 “(F) Providing additional scrutiny and
4 oversight for an acquisition that is not a major
5 acquisition if—

6 “(i) the acquisition is for a program
7 that is important to departmental strategic
8 and performance plans;

9 “(ii) the acquisition is for a program
10 with significant program or policy implica-
11 tions; and

12 “(iii) the Secretary determines that
13 such scrutiny and oversight for the acquisi-
14 tion is proper and necessary.

15 “(G) Ensuring that grants and financial
16 assistance are provided only to individuals and
17 organizations that are not suspended or
18 debarred.

19 “(H) Distributing guidance throughout the
20 Department to ensure that contractors involved
21 in acquisitions, particularly contractors that ac-
22 cess the Department’s information systems and
23 technologies, adhere to relevant Department
24 policies related to physical and information se-

1 curity as identified by the Under Secretary for
2 Management.

3 “(I) Overseeing the Component Acquisition
4 Executive organizational structure to ensure
5 Component Acquisition Executives have suffi-
6 cient capabilities and comply with Department
7 acquisition policies.

8 “(J) Ensuring acquisition decision memo-
9 randa adequately document decisions made at
10 acquisition decision events, including any af-
11 firmative determination of contractor responsi-
12 bility at the down selection phase and any other
13 significant procurement decisions related to the
14 acquisition at issue.

15 “(3) DELEGATION OF ACQUISITION DECISION
16 AUTHORITY.—

17 “(A) LEVEL 3 ACQUISITIONS.—The Under
18 Secretary for Management may delegate acqui-
19 sition decision authority in writing to the rel-
20 evant Component Acquisition Executive for an
21 acquisition program that has a life cycle cost
22 estimate of less than \$300,000,000.

23 “(B) LEVEL 2 ACQUISITIONS.—The Under
24 Secretary for Management may delegate acqui-
25 sition decision authority in writing to the rel-

1 evant Component Acquisition Executive for a
2 major acquisition program that has a life cycle
3 cost estimate of at least \$300,000,000 but not
4 more than \$1,000,000,000 if all of the following
5 requirements are met:

6 “(i) The component concerned pos-
7 sesses working policies, processes, and pro-
8 cedures that are consistent with Depart-
9 ment-level acquisition policy.

10 “(ii) The Component Acquisition Ex-
11 ecutive concerned has adequate, experi-
12 enced, and dedicated professional employ-
13 ees with program management training, as
14 applicable, commensurate with the size of
15 the acquisition programs and related ac-
16 tivities delegated to such Component Ac-
17 quisition Executive by the Under Secretary
18 for Management.

19 “(iii) Each major acquisition program
20 concerned has written documentation
21 showing that it has a Department-ap-
22 proved acquisition program baseline and it
23 is meeting agreed-upon cost, schedule, and
24 performance thresholds.

1 “(4) RELATIONSHIP TO UNDER SECRETARY
2 FOR SCIENCE AND TECHNOLOGY.—

3 “(A) IN GENERAL.—Nothing in this sub-
4 section shall diminish the authority granted to
5 the Under Secretary for Science and Tech-
6 nology under this Act. The Under Secretary for
7 Management and the Under Secretary for
8 Science and Technology shall cooperate in mat-
9 ters related to the coordination of acquisitions
10 across the Department so that investments of
11 the Directorate of Science and Technology are
12 able to support current and future requirements
13 of the components of the Department.

14 “(B) OPERATIONAL TESTING AND EVALUA-
15 TION.—The Under Secretary for Science and
16 Technology shall—

17 “(i) ensure, in coordination with rel-
18 evant component heads, that major acqui-
19 sition programs—

20 “(I) complete operational testing
21 and evaluation of technologies and
22 systems;

23 “(II) use independent verification
24 and validation of operational test and

1 evaluation implementation and re-
2 sults; and

3 “(III) document whether such
4 programs meet all performance re-
5 quirements included in their acquisi-
6 tion program baselines;

7 “(ii) ensure that such operational
8 testing and evaluation includes all system
9 components and incorporates operators
10 into the testing to ensure that systems per-
11 form as intended in the appropriate oper-
12 ational setting; and

13 “(iii) determine if testing conducted
14 by other Federal agencies and private enti-
15 ties is relevant and sufficient in deter-
16 mining whether systems perform as in-
17 tended in the operational setting.

18 “(5) DEFINITIONS.—In this subsection, the
19 terms ‘acquisition’, ‘best practices’, ‘acquisition deci-
20 sion authority’, ‘major acquisition program’, ‘acqui-
21 sition program baseline’, and ‘Component Acquisi-
22 tion Executive’ have the meanings given such terms
23 in section 830.”.

1 **SEC. 1212. ACQUISITION AUTHORITIES FOR CHIEF FINAN-**
2 **CIAL OFFICER OF THE DEPARTMENT OF**
3 **HOMELAND SECURITY.**

4 Paragraph (2) of section 702(b) of the Homeland Se-
5 curity Act of 2002 (6 U.S.C. 342(b)) is amended by add-
6 ing at the end the following new subparagraph:

7 “(J) Oversee the costs of acquisition pro-
8 grams and related activities to ensure that ac-
9 tual and planned costs are in accordance with
10 budget estimates and are affordable, or can be
11 adequately funded, over the life cycle of such
12 programs and activities.”

13 **SEC. 1213. ACQUISITION AUTHORITIES FOR CHIEF INFOR-**
14 **MATION OFFICER OF THE DEPARTMENT OF**
15 **HOMELAND SECURITY.**

16 Section 703 of the Homeland Security Act of 2002
17 (6 U.S.C. 343), as amended by this Act, is further amend-
18 ed by adding at the end the following new subsection:

19 “(e) **ACQUISITION RESPONSIBILITIES.**—The acquisi-
20 tion responsibilities of the Chief Information Officer shall
21 include the following:

22 “(1) Oversee the management of the Homeland
23 Security Enterprise Architecture and ensure that,
24 before each acquisition decision event (as such term
25 is defined in section 830), approved information
26 technology acquisitions comply with departmental in-

1 formation technology management processes, tech-
2 nical requirements, and the Homeland Security En-
3 terprise Architecture, and in any case in which infor-
4 mation technology acquisitions do not comply with
5 the Department's management directives, make rec-
6 ommendations to the Acquisition Review Board re-
7 garding such noncompliance.

8 “(2) Be responsible for providing recommenda-
9 tions to the Acquisition Review Board regarding in-
10 formation technology programs, and be responsible
11 for developing information technology acquisition
12 strategic guidance.”.

13 **SEC. 1214. ACQUISITION AUTHORITIES FOR PROGRAM AC-**
14 **COUNTABILITY AND RISK MANAGEMENT.**

15 (a) **IN GENERAL.**—Title VII of the Homeland Secu-
16 rity Act of 2002 (6 U.S.C. 341 et seq.) is further amended
17 by adding at the end the following:

18 **“SEC. 717. ACQUISITION AUTHORITIES FOR PROGRAM AC-**
19 **COUNTABILITY AND RISK MANAGEMENT.**

20 “(a) **ESTABLISHMENT OF OFFICE.**—There is in the
21 Management Directorate of the Department an office to
22 be known as ‘Program Accountability and Risk Manage-
23 ment’. The purpose of the office is to—

1 “(1) provide consistent accountability, stand-
2 ardization, and transparency of major acquisition
3 programs of the Department; and

4 “(2) serve as the central oversight function for
5 all Department acquisition programs.

6 “(b) RESPONSIBILITIES OF EXECUTIVE DIREC-
7 TOR.—The Program Accountability and Risk Management
8 shall be led by an Executive Director to oversee the re-
9 quirement under subsection (a). The Executive Director
10 shall report directly to the Under Secretary for Manage-
11 ment, and shall carry out the following responsibilities:

12 “(1) Monitor regularly the performance of De-
13 partment acquisition programs between acquisition
14 decision events to identify problems with cost, per-
15 formance, or schedule that components may need to
16 address to prevent cost overruns, performance
17 issues, or schedule delays.

18 “(2) Assist the Under Secretary for Manage-
19 ment in managing the acquisition programs and re-
20 lated activities of the Department.

21 “(3) Conduct oversight of individual acquisition
22 programs to implement Department acquisition pro-
23 gram policy, procedures, and guidance with a pri-
24 ority on ensuring the data the office collects and

1 maintains from Department components is accurate
2 and reliable.

3 “(4) Serve as the focal point and coordinator
4 for the acquisition life cycle review process and as
5 the executive secretariat for the Acquisition Review
6 Board.

7 “(5) Advise the persons having acquisition deci-
8 sion authority in making acquisition decisions con-
9 sistent with all applicable laws and in establishing
10 clear lines of authority, accountability, and responsi-
11 bility for acquisition decision making within the De-
12 partment.

13 “(6) Engage in the strategic planning and per-
14 formance evaluation process required under section
15 306 of title 5, United States Code, and sections
16 1105(a)(28), 1115, 1116, and 9703 of title 31,
17 United States Code, by supporting the Chief Pro-
18 curement Officer in developing strategies and spe-
19 cific plans for hiring, training, and professional de-
20 velopment in order to rectify any deficiency within
21 the Department’s acquisition workforce.

22 “(7) Develop standardized certification stand-
23 ards in consultation with the Component Acquisition
24 Executives for all acquisition program managers.

1 “(8) In the event that a certification or action
2 of an acquisition program manager needs review for
3 purposes of promotion or removal, provide input, in
4 consultation with the relevant Component Acquisition
5 Executive, into the performance evaluation of
6 the relevant acquisition program manager and report
7 positive or negative experiences to the relevant certi-
8 fying authority.

9 “(9) Provide technical support and assistance
10 to Department acquisitions and acquisition per-
11 sonnel in conjunction with the Chief Procurement
12 Officer.

13 “(10) Prepare the Comprehensive Acquisition
14 Status Report for the Department, as required by
15 title I of division D of the Consolidated Appropria-
16 tions Act, 2016 (Public Law 114–113), and make
17 such report available to the congressional homeland
18 security committees.

19 “(e) RESPONSIBILITIES OF COMPONENTS.—Each
20 head of a component shall comply with Federal law, the
21 Federal Acquisition Regulation, and Department acquisi-
22 tion management directives established by the Under Sec-
23 retary for Management. For each major acquisition pro-
24 gram, each head of a component shall—

1 “(1) define baseline requirements and document
2 changes to such requirements, as appropriate;

3 “(2) establish a complete life cycle cost estimate
4 with supporting documentation, including an acquisition
5 program baseline;

6 “(3) verify each life cycle cost estimate against
7 independent cost estimates, and reconcile any dif-
8 ferences;

9 “(4) complete a cost-benefit analysis with sup-
10 porting documentation;

11 “(5) develop and maintain a schedule that is
12 consistent with scheduling best practices as identi-
13 fied by the Comptroller General of the United
14 States, including, in appropriate cases, an integrated
15 master schedule; and

16 “(6) ensure that all acquisition program infor-
17 mation provided by the component is complete, accu-
18 rate, timely, and valid.

19 “(d) CONGRESSIONAL HOMELAND SECURITY COM-
20 MITTEES DEFINED.—In this section, the term ‘congres-
21 sional homeland security committees’ means—

22 “(1) the Committee on Homeland Security of
23 the House of Representatives and the Committee on
24 Homeland Security and Governmental Affairs of the
25 Senate; and

1 “(2) the Committee on Appropriations of the
2 House of Representatives and the Committee on Ap-
3 propriations of the Senate.

4 **“SEC. 718. ACQUISITION DOCUMENTATION.**

5 “(a) IN GENERAL.—For each major acquisition pro-
6 gram, the Executive Director responsible for the prepara-
7 tion of the Comprehensive Acquisition Status Report, pur-
8 suant to paragraph (11) of section 710(b), shall require
9 certain acquisition documentation to be submitted by De-
10 partment components or offices.

11 “(b) WAIVER.—The Secretary may waive the require-
12 ment for submission under subsection (a) for a program
13 for a fiscal year if either—

14 “(1) the program has not—

15 “(A) entered the full rate production phase
16 in the acquisition life cycle;

17 “(B) had a reasonable cost estimate estab-
18 lished; and

19 “(C) had a system configuration defined
20 fully; or

21 “(2) the program does not meet the definition
22 of ‘capital asset’, as defined by the Director of the
23 Office of Management and Budget.

24 “(c) CONGRESSIONAL OVERSIGHT.—At the same
25 time the President’s budget is submitted for a fiscal year

1 under section 1105(a) of title 31, United States Code, the
 2 Secretary shall submit to the Committee on Homeland Se-
 3 curity of the House of Representatives and Committee on
 4 Homeland Security and Governmental Affairs of the Sen-
 5 ate information on the exercise of authority under sub-
 6 section (b) in the prior fiscal year that includes the fol-
 7 lowing specific information regarding each program for
 8 which a waiver is issued under subsection (b):

9 “(1) The grounds for granting a waiver for that
 10 program.

11 “(2) The projected cost of that program.

12 “(3) The proportion of a component’s annual
 13 acquisition budget attributed to that program, as
 14 available.

15 “(4) Information on the significance of the pro-
 16 gram with respect to the component’s operations and
 17 execution of its mission.”.

18 (b) ~~CLERICAL AMENDMENT.~~—The table of contents
 19 in section 1(b) of the Homeland Security Act of 2002 is
 20 further amended by inserting after the item relating to
 21 section 716, as added by this Act, the following new items:

“Sec. 717. Acquisition authorities for Program Accountability and Risk Man-
 agement.

“Sec. 718. Acquisition documentation.”.

22 **SEC. 1215. ACQUISITION INNOVATION.**

23 (a) ~~IN GENERAL.~~—Title VII of the Homeland Secu-
 24 rity Act of 2002 (6 U.S.C. 341 et seq.) as amended by

1 this Act, is further amended by adding at the end the fol-
2 lowing new section:

3 **“SEC. 719. ACQUISITION INNOVATION.**

4 “The Under Secretary for Management may—

5 “(1) designate an individual within the Depart-
6 ment to manage acquisition innovation efforts of the
7 Department;

8 “(2) test emerging acquisition best practices to
9 carrying out acquisitions, consistent with the Fed-
10 eral Acquisition Regulation and Department acquisi-
11 tion management directives, as appropriate;

12 “(3) develop and distribute best practices and
13 lessons learned regarding acquisition innovation
14 throughout the Department;

15 “(4) establish metrics to measure the effective-
16 ness of acquisition innovation efforts with respect to
17 cost, operational efficiency of the acquisition pro-
18 gram (including timeframes for executing contracts),
19 and collaboration with the private sector, including
20 small businesses; and

21 “(5) determine impacts of acquisition innova-
22 tion efforts on the private sector by—

23 “(A) engaging with the private sector, in-
24 cluding small businesses, to provide information
25 and obtain feedback on procurement practices

1 and acquisition innovation efforts of the De-
2 partment;

3 “(B) obtaining feedback from the private
4 sector on the impact of acquisition innovation
5 efforts of the Department; and

6 “(C) incorporating such feedback, as ap-
7 propriate, into future acquisition innovation ef-
8 forts of the Department.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
10 in section 1(b) of the Homeland Security Act of 2002 is
11 amended by inserting after the item relating to section
12 718, as added by this Act, the following new item:

“Sec. 719. Acquisition innovation.”.

13 (c) INFORMATION.—Not later than 90 days after the
14 date on which the Secretary of Homeland Security sub-
15 mits the annual budget justification for the Department
16 of Homeland Security for each of fiscal years 2019
17 through 2023, the Secretary shall, if appropriate, provide
18 information to the Committee on Homeland Security of
19 the House of Representatives and the Committee on
20 Homeland Security and Governmental Affairs of the Sen-
21 ate on the activities undertaken in the previous fiscal year
22 in furtherance of section 719 of the Homeland Security
23 Act of 2002, as added by subsection (a), on the following:

1 (1) Emerging acquisition best practices that
2 were tested within the Department during such fis-
3 cal year.

4 (2) Efforts to distribute best practices and les-
5 sons learned within the Department, including
6 through web-based seminars, training, and forums,
7 during such fiscal year.

8 (3) Utilization by components throughout the
9 Department of best practices distributed by the
10 Under Secretary of Management pursuant to para-
11 graph (3) of such section 719.

12 (4) Performance as measured by the metrics es-
13 tablished under paragraph (4) of such section 719.

14 (5) Outcomes of efforts to distribute best prac-
15 tices and lessons learned within the Department, in-
16 cluding through web-based seminars, training, and
17 forums.

18 (6) Any impacts of the utilization of innovative
19 acquisition mechanisms by the Department on the
20 private sector, including small businesses.

21 (7) The criteria used to identify specific acquisi-
22 tion programs or activities to be included in acquisi-
23 tion innovation efforts and the outcomes of such
24 programs or activities.

1 (8) Recommendations, as necessary, to enhance
2 acquisition innovation in the Department.

3 **Subtitle B—Acquisition Program**
4 **Management Discipline**

5 **SEC. 1221. ACQUISITION REVIEW BOARD.**

6 (a) **IN GENERAL.**—Subtitle D of title VIII of the
7 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.)
8 is amended by adding at the end the following new section:

9 **“SEC. 836. ACQUISITION REVIEW BOARD.**

10 “(a) **IN GENERAL.**—The Secretary shall establish an
11 Acquisition Review Board (in this section referred to as
12 the ‘Board’) to—

13 “(1) strengthen accountability and uniformity
14 within the Department acquisition review process;

15 “(2) review major acquisition programs; and

16 “(3) review the use of best practices.

17 “(b) **COMPOSITION.**—The Under Secretary for Man-
18 agement shall serve as chair of the Board. The Secretary
19 shall also ensure participation by other relevant Depart-
20 ment officials, including at least two component heads or
21 their designees, as permanent members of the Board.

22 “(c) **MEETINGS.**—The Board shall meet regularly for
23 purposes of ensuring all acquisitions processes proceed in
24 a timely fashion to achieve mission readiness. The Board

1 shall convene at the discretion of the Secretary and at any
2 time—

3 “(1) a major acquisition program—

4 “(A) requires authorization to proceed
5 from one acquisition decision event to another
6 throughout the acquisition life cycle;

7 “(B) is in breach of its approved require-
8 ments; or

9 “(C) requires additional review, as deter-
10 mined by the Under Secretary for Management;
11 or

12 “(2) a non-major acquisition program requires
13 review, as determined by the Under Secretary for
14 Management.

15 “(d) RESPONSIBILITIES.—The responsibilities of the
16 Board are as follows:

17 “(1) Determine whether a proposed acquisition
18 has met the requirements of key phases of the acqui-
19 sition life cycle framework and is able to proceed to
20 the next phase and eventual full production and de-
21 ployment.

22 “(2) Oversee whether a proposed acquisition’s
23 business strategy, resources, management, and ac-
24 countability is executable and is aligned to strategic
25 initiatives.

1 “(3) Support the person with acquisition deci-
2 sion authority for an acquisition in determining the
3 appropriate direction for such acquisition at key ac-
4 quisition decision events.

5 “(4) Conduct systematic reviews of acquisitions
6 to ensure that such acquisitions are progressing in
7 compliance with the approved documents for their
8 current acquisition phases.

9 “(5) Review the acquisition documents of each
10 major acquisition program, including the acquisition
11 program baseline and documentation reflecting con-
12 sideration of tradeoffs among cost, schedule, and
13 performance objectives, to ensure the reliability of
14 underlying data.

15 “(6) Ensure that practices are adopted and im-
16 plemented to require consideration of trade-offs
17 among cost, schedule, and performance objectives as
18 part of the process for developing requirements for
19 major acquisition programs prior to the initiation of
20 the second acquisition decision event, including, at a
21 minimum, the following practices:

22 “(A) Department officials responsible for
23 acquisition, budget, and cost estimating func-
24 tions are provided with the appropriate oppor-
25 tunity to develop estimates and raise cost and

1 schedule matters before performance objectives
2 are established for capabilities when feasible.

3 “(B) Full consideration is given to possible
4 trade-offs among cost, schedule, and perform-
5 ance objectives for each alternative.

6 “(e) ACQUISITION PROGRAM BASELINE REPORT RE-
7 QUIREMENT.—If the person exercising acquisition decision
8 authority over a major acquisition program approves such
9 program to proceed into the planning phase before such
10 program has a Department-approved acquisition program
11 baseline, the Under Secretary for Management shall cre-
12 ate and approve an acquisition program baseline report
13 regarding such approval, and the Secretary shall—

14 “(1) within seven days after an acquisition deci-
15 sion memorandum is signed, notify in writing the
16 Committee on Homeland Security of the House of
17 Representatives and the Committee on Homeland
18 Security and Governmental Affairs of the Senate of
19 such decision; and

20 “(2) within 60 days after the acquisition deci-
21 sion memorandum is signed, submit to such commit-
22 tees a report stating the rationale for such decision
23 and a plan of action to require an acquisition pro-
24 gram baseline for such program.

1 “(f) REPORT.—The Under Secretary for Manage-
2 ment shall provide information to the Committee on
3 Homeland Security of the House of Representatives and
4 the Committee on Homeland Security and Governmental
5 Affairs of the Senate on an annual basis through fiscal
6 year 2022 on the activities of the Board for the prior fiscal
7 year that includes information relating to the following:

8 “(1) For each meeting of the Board, any acqui-
9 sition decision memoranda.

10 “(2) Results of the systematic reviews con-
11 ducted pursuant to paragraph (4) of subsection (d).

12 “(3) Results of acquisition document reviews re-
13 quired pursuant to paragraph (5) of subsection (d).

14 “(4) Activities to ensure that practices are
15 adopted and implemented throughout the Depart-
16 ment pursuant to paragraph (6) of subsection (d).”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 in section 1(b) of the Homeland Security Act of 2002 (6
19 U.S.C. 101 et seq.) is further amended by adding after
20 the item relating to section 835 the following new item:

“Sec. 836. Acquisition Review Board.”.

21 **SEC. 1222. REQUIREMENTS TO REDUCE DUPLICATION IN**
22 **ACQUISITION PROGRAMS.**

23 (a) IN GENERAL.—Subtitle D of title VIII of the
24 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.)

1 is further amended by adding at the end the following new
2 section:

3 **“SEC. 837. REQUIREMENTS TO REDUCE DUPLICATION IN**
4 **ACQUISITION PROGRAMS.**

5 **“(a) REQUIREMENT TO ESTABLISH POLICIES.—**In
6 an effort to reduce unnecessary duplication and ineffi-
7 ciency for all Department investments, including major ac-
8 quisition programs, the Deputy Secretary, in consultation
9 with the Under Secretary for Management, shall establish
10 Department-wide policies to integrate all phases of the in-
11 vestment life cycle and help the Department identify, vali-
12 date, and prioritize common component requirements for
13 major acquisition programs in order to increase opportuni-
14 ties for effectiveness and efficiencies. The policies shall
15 also include strategic alternatives for developing and facili-
16 tating a Department component-driven requirements proc-
17 ess that includes oversight of a development test and eval-
18 uation capability; identification of priority gaps and over-
19 laps in Department capability needs; and provision of fea-
20 sible technical alternatives, including innovative commer-
21 cially available alternatives, to meet capability needs.

22 **“(b) MECHANISMS TO CARRY OUT REQUIREMENT.—**
23 The Under Secretary for Management shall coordinate the
24 actions necessary to carry out subsection (a), using such
25 mechanisms as considered necessary by the Secretary to

1 help the Department reduce unnecessary duplication and
2 inefficiency for all Department investments, including
3 major acquisition programs.

4 “(c) COORDINATION.—In coordinating the actions
5 necessary to carry out subsection (a), the Deputy Sec-
6 retary shall consult with the Under Secretary for Manage-
7 ment, Component Acquisition Executives, and any other
8 Department officials, including the Under Secretary for
9 Science and Technology or his designee, with specific
10 knowledge of Department or component acquisition capa-
11 bilities to prevent unnecessary duplication of require-
12 ments.

13 “(d) ADVISORS.—The Deputy Secretary, in consulta-
14 tion with the Under Secretary for Management, shall seek
15 and consider input within legal and ethical boundaries
16 from members of Federal, State, local, and tribal govern-
17 ments, nonprofit organizations, and the private sector, as
18 appropriate, on matters within their authority and exper-
19 tise in carrying out the Department’s mission.

20 “(e) MEETINGS.—The Deputy Secretary, in consulta-
21 tion with the Under Secretary for Management, shall meet
22 at least quarterly and communicate with components often
23 to ensure that components do not overlap or duplicate
24 spending or activities on major investments and acquisi-
25 tion programs within their areas of responsibility.

1 “(f) RESPONSIBILITIES.—In carrying out this sec-
2 tion, the responsibilities of the Deputy Secretary, in con-
3 sultation with the Under Secretary for Management, are
4 as follows:

5 “(1) To review and validate the requirements
6 documents of major investments and acquisition pro-
7 grams prior to acquisition decision events of the in-
8 vestments or programs.

9 “(2) To ensure the requirements and scope of
10 a major investment or acquisition program are sta-
11 ble, measurable, achievable, at an acceptable risk
12 level, and match the resources planned to be avail-
13 able.

14 “(3) Before any entity of the Department
15 issues a solicitation for a new contract, coordinate
16 with other Department entities as appropriate to
17 prevent unnecessary duplication and inefficiency
18 and—

19 “(A) to implement portfolio reviews to
20 identify common mission requirements and
21 crosscutting opportunities among components
22 to harmonize investments and requirements and
23 prevent unnecessary overlap and duplication
24 among components; and

1 “(B) to the extent practicable, to stand-
2 ardize equipment purchases, streamline the ac-
3 quisition process, improve efficiencies, and con-
4 duct best practices for strategic sourcing.”

5 “(4) To ensure program managers of major in-
6 vestments and acquisition programs conduct anal-
7 yses, giving particular attention to factors such as
8 cost, schedule, risk, performance, and operational ef-
9 ficiency in order to determine that programs work as
10 intended within cost and budget expectations.”

11 “(5) To propose schedules for delivery of the
12 operational capability needed to meet each Depart-
13 ment investment and major acquisition program.”

14 (b) CLERICAL AMENDMENT.—The table of contents
15 in section 1(b) of the Homeland Security Act of 2002 (6
16 U.S.C. 101 et seq.) is further amended by adding after
17 the item relating to section 836, as added by this Act,
18 the following new item:

“Sec. 837. Requirements to reduce duplication in acquisition programs.”

19 **SEC. 1223. DEPARTMENT LEADERSHIP COUNCIL.**

20 (a) IN GENERAL.—Subtitle H of title VIII of the
21 Homeland Security Act of 2002 is amended by adding at
22 the end the following new section:

23 **“SEC. 890B. DEPARTMENT LEADERSHIP COUNCIL.**

24 “(a) DEPARTMENT LEADERSHIP COUNCIL.—

1 “(1) ESTABLISHMENT.—The Secretary may es-
2 tablish a Department leadership council as the Sec-
3 retary determines necessary to ensure coordination
4 and improve programs and activities of the Depart-
5 ment.

6 “(2) FUNCTION.—A Department leadership
7 council shall—

8 “(A) serve as coordinating forums;

9 “(B) advise the Secretary and Deputy Sec-
10 retary on Department strategy, operations, and
11 guidance; and

12 “(C) consider and report on such other
13 matters as the Secretary or Deputy Secretary
14 may direct.

15 “(3) RELATIONSHIP TO OTHER FORUMS.—The
16 Secretary or Deputy Secretary may delegate the au-
17 thority to direct the implementation of any decision
18 or guidance resulting from the action of a Depart-
19 ment leadership council to any office, component, co-
20 ordinator, or other senior official of the Department.

21 “(4) MISSION.—In addition to other matters
22 assigned to it by the Secretary and Deputy Sec-
23 retary, a leadership council shall—

24 “(A) identify, assess, and validate joint re-
25 quirements (including existing systems and as-

1 sociated capability gaps) to meet mission needs
2 of the Department;

3 “(B) ensure that appropriate efficiencies
4 are made among life-cycle cost, schedule, and
5 performance objectives; and procurement quan-
6 tity objectives; in the establishment and ap-
7 proval of joint requirements; and

8 “(C) make prioritized capability rec-
9 ommendations for the joint requirements vali-
10 dated under subparagraph (A) to the Secretary,
11 the Deputy Secretary, or the chairperson of a
12 Department leadership council designated by
13 the Secretary to review decisions of the leader-
14 ship council.

15 “(5) CHAIRPERSON.—The Secretary shall ap-
16 point a chairperson of a leadership council, for a
17 term of not more than 2 years, from among senior
18 officials from components of the Department or
19 other senior officials as designated by the Secretary.

20 “(6) COMPOSITION.—A leadership council shall
21 be composed of senior officials representing compo-
22 nents of the Department and other senior officials
23 as designated by the Secretary.

24 “(7) RELATIONSHIP TO FUTURE YEARS HOME-
25 LAND SECURITY PROGRAM.—The Secretary shall en-

1 sure that the Future Years Homeland Security Pro-
 2 gram required under section 874 is consistent with
 3 any recommendations of a leadership council re-
 4 quired under paragraph (2)(C), as affirmed by the
 5 Secretary, the Deputy Secretary, or the chairperson
 6 of a Department leadership council designated by
 7 the Secretary under that paragraph.”.

8 (b) CLERICAL AMENDMENT.—The table of contents
 9 in section 1(b) of such Act is amended by inserting after
 10 the item relating to section 890A the following new item:
 “Sec. 890B. Department leadership council.”.

11 **SEC. 1224. GOVERNMENT ACCOUNTABILITY OFFICE RE-**
 12 **VIEW OF BOARD AND OF REQUIREMENTS TO**
 13 **REDUCE DUPLICATION IN ACQUISITION PRO-**
 14 **GRAMS.**

15 (a) REVIEW REQUIRED.—The Comptroller General
 16 of the United States shall conduct a review of the effec-
 17 tiveness of the Acquisition Review Board established
 18 under section 836 of the Homeland Security Act of 2002
 19 (as added by this Act) and the requirements to reduce un-
 20 necessary duplication in acquisition programs established
 21 under section 837 of such Act (as added by this Act) in
 22 improving the Department’s acquisition management
 23 process.

24 (b) SCOPE OF REPORT.—The review shall include the
 25 following:

1 (1) An assessment of the effectiveness of the
2 Board in increasing program management oversight,
3 best practices and standards, and discipline among
4 the components of the Department, including in
5 working together and in preventing overlap and un-
6 necessary duplication.

7 (2) An assessment of the effectiveness of the
8 Board in instilling program management discipline.

9 (3) A statement of how regularly each major
10 acquisition program is reviewed by the Board, how
11 often the Board stops major acquisition programs
12 from moving forward in the phases of the acquisition
13 life cycle process, and the number of major acquisi-
14 tion programs that have been halted because of
15 problems with operational effectiveness, schedule
16 delays, or cost overruns.

17 (4) An assessment of the effectiveness of the
18 Board in impacting acquisition decisionmaking with-
19 in the Department, including the degree to which
20 the Board impacts decision making within other
21 headquarters mechanisms and bodies involved in the
22 administration of acquisition activities.

23 (e) REPORT REQUIRED.—Not later than one year
24 after the date of the enactment of this Act, the Comp-
25 troller General shall submit to the congressional homeland

1 security committees a report on the review required by this
2 section. The report shall be submitted in unclassified form
3 but may include a classified annex.

4 **SEC. 1225. EXCLUDED PARTY LIST SYSTEM WAIVERS.**

5 Not later than five days after the issuance of a waiver
6 by the Secretary of Homeland Security of Federal require-
7 ments that an agency not engage in business with a con-
8 tractor in the Excluded Party List System (or successor
9 system) as maintained by the General Services Adminis-
10 tration, the Secretary shall submit to Congress notice of
11 such waiver and an explanation for a finding by the Sec-
12 retary that a compelling reason exists for issuing such
13 waiver.

14 **SEC. 1226. INSPECTOR GENERAL OVERSIGHT OF SUSPEN-**
15 **SION AND DEBARMENT.**

16 The Inspector General of the Department of Home-
17 land Security shall—

18 (1) conduct audits as determined necessary by
19 the Inspector General regarding grant and procure-
20 ment awards to identify instances in which a con-
21 tract or grant was improperly awarded to a sus-
22 pended or debarred entity and whether corrective ac-
23 tions were taken to prevent recurrence; and

24 (2) review the suspension and debarment pro-
25 gram throughout the Department to assess whether

1 suspension and debarment criteria are consistently
2 applied throughout the Department and whether dis-
3 parities exist in the application of such criteria, par-
4 ticularly with respect to business size and categories.

5 **Subtitle C—Acquisition Program**
6 **Management Accountability and**
7 **Transparency**

8 **SEC. 1231. CONGRESSIONAL NOTIFICATION FOR MAJOR AC-**
9 **QUISITION PROGRAMS.**

10 (a) IN GENERAL.—Subtitle D of title VIII of the
11 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.)
12 is further amended by adding at the end the following new
13 section:

14 **“SEC. 838. CONGRESSIONAL NOTIFICATION AND OTHER RE-**
15 **QUIREMENTS FOR MAJOR ACQUISITION PRO-**
16 **GRAM BREACH.**

17 **“(a) REQUIREMENTS WITHIN DEPARTMENT IN**
18 **EVENT OF BREACH.—**

19 **“(1) NOTIFICATIONS.—**

20 **“(A) NOTIFICATION OF BREACH.—**If a
21 breach occurs in a major acquisition program,
22 the program manager for such program shall
23 notify the Component Acquisition Executive for
24 such program, the head of the component con-
25 cerned, the Executive Director of the Program

1 Accountability and Risk Management division,
2 the Under Secretary for Management, and the
3 Deputy Secretary not later than 30 calendar
4 days after such breach is identified.

5 “(B) NOTIFICATION TO SECRETARY.—If a
6 breach occurs in a major acquisition program
7 and such breach results in a cost overrun great-
8 er than 15 percent, a schedule delay greater
9 than 180 days, or a failure to meet any of the
10 performance thresholds from the cost, schedule,
11 or performance parameters specified in the
12 most recently approved acquisition program
13 baseline for such program, the Component Ac-
14 quisition Executive for such program shall no-
15 tify the Secretary and the Inspector General of
16 the Department not later than five business
17 days after the Component Acquisition Executive
18 for such program, the head of the component
19 concerned, the Executive Director of the Pro-
20 gram Accountability and Risk Management Di-
21 vision, the Under Secretary for Management,
22 and the Deputy Secretary are notified of the
23 breach pursuant to subparagraph (A).

24 “(2) REMEDIATION PLAN AND ROOT CAUSE
25 ANALYSIS.—

1 “(A) IN GENERAL.—If a breach occurs in
2 a major acquisition program, the program man-
3 ager for such program shall submit to the head
4 of the component concerned, the Executive Di-
5 rector of the Program Accountability and Risk
6 Management division, and the Under Secretary
7 for Management in writing a remediation plan
8 and root cause analysis relating to such breach
9 and program. Such plan and analysis shall be
10 submitted at a date established at the discretion
11 of the Under Secretary for Management.

12 “(B) REMEDIATION PLAN.—The remedi-
13 ation plan required under this subparagraph
14 (A) shall—

15 “(i) explain the circumstances of the
16 breach at issue;

17 “(ii) provide prior cost estimating in-
18 formation;

19 “(iii) include a root cause analysis
20 that determines the underlying cause or
21 causes of shortcomings in cost, schedule,
22 or performance of the major acquisition
23 program with respect to which such breach
24 has occurred, including the role, if any,
25 of—

1 “(I) unrealistic performance ex-
2 pectations;

3 “(II) unrealistic baseline esti-
4 mates for cost or schedule or changes
5 in program requirements;

6 “(III) immature technologies or
7 excessive manufacturing or integra-
8 tion risk;

9 “(IV) unanticipated design, engi-
10 neering, manufacturing, or technology
11 integration issues arising during pro-
12 gram performance;

13 “(V) changes to the scope of such
14 program;

15 “(VI) inadequate program fund-
16 ing or changes in planned out-year
17 funding from one 5-year funding plan
18 to the next 5-year funding plan as
19 outlined in the Future Years Home-
20 land Security Program required under
21 section 874;

22 “(VII) legislative, legal, or regu-
23 latory changes; or

24 “(VIII) inadequate program
25 management personnel, including lack

1 of sufficient number of staff, training,
2 credentials, certifications, or use of
3 best practices;

4 “(iv) propose corrective action to ad-
5 dress cost growth, schedule delays, or per-
6 formance issues;

7 “(v) explain the rationale for why a
8 proposed corrective action is recommended;
9 and

10 “(vi) in coordination with the Compo-
11 nent Acquisition Executive for such pro-
12 gram, discuss all options considered, in-
13 cluding the estimated impact on cost,
14 schedule, or performance of such program
15 if no changes are made to current require-
16 ments, the estimated cost of such program
17 if requirements are modified, and the ex-
18 tent to which funding from other programs
19 will need to be reduced to cover the cost
20 growth of such program.

21 ~~“(3) REVIEW OF CORRECTIVE ACTIONS.—~~

22 ~~“(A) IN GENERAL.—~~The Under Secretary
23 for Management shall review the remediation
24 plan required under paragraph (2). The Under
25 Secretary may approve such plan or provide an

1 alternative proposed corrective action within 30
2 days of the submission of such plan under such
3 paragraph.

4 “(B) SUBMISSION TO CONGRESS.—Not
5 later than 30 days after the review required
6 under subparagraph (A) is completed, the
7 Under Secretary for Management shall submit
8 to the congressional homeland security commit-
9 tees the following:

10 “(i) A copy of the remediation plan
11 and the root cause analysis required under
12 paragraph (2).

13 “(ii) A statement describing the cor-
14 rective action or actions that have occurred
15 pursuant to paragraph (2)(b)(iv) for the
16 major acquisition program at issue, with a
17 justification for such action or actions.

18 “(b) REQUIREMENTS RELATING TO CONGRESSIONAL
19 NOTIFICATION IF BREACH OCCURS.—

20 “(1) NOTIFICATION TO CONGRESS.—If a notifi-
21 cation to the Secretary is made under subsection
22 (a)(1)(B) relating to a breach in a major acquisition
23 program, the Under Secretary for Management shall
24 notify the congressional homeland security commit-
25 tees of such breach in the next quarterly Com-

1 prehensive Acquisition Status Report, as required by
2 title I of division D of the Consolidated Appropria-
3 tions Act, 2016, (Public Law 114–113) following re-
4 ceipt by the Under Secretary of notification under
5 such subsection.

6 “(2) SIGNIFICANT VARIANCES IN COSTS OR
7 SCHEDULE.—If a likely cost overrun is greater than
8 20 percent or a likely delay is greater than 12
9 months from the costs and schedule specified in the
10 acquisition program baseline for a major acquisition
11 program, the Under Secretary for Management shall
12 include in the notification required in paragraph (1)
13 a written certification, with supporting explanation,
14 that—

15 “(A) such program is essential to the ac-
16 complishment of the Department’s mission;

17 “(B) there are no alternatives to the capa-
18 bility or asset provided by such program that
19 will provide equal or greater capability in both
20 a more cost-effective and timely manner;

21 “(C) the new acquisition schedule and esti-
22 mates for total acquisition cost are reasonable;
23 and

1 “(D) the management structure for such
2 program is adequate to manage and control
3 cost, schedule, and performance.

4 “(e) CONGRESSIONAL HOMELAND SECURITY COM-
5 MITTEES DEFINED.—In this section, the term ‘congres-
6 sional homeland security committees’ means—

7 “(1) the Committee on Homeland Security of
8 the House of Representatives and the Committee on
9 Homeland Security and Governmental Affairs of the
10 Senate; and

11 “(2) the Committee on Appropriations of the
12 House of Representatives and the Committee on Ap-
13 propriations of the Senate.”.

14 (b) CLERICAL AMENDMENT.—The table of contents
15 in section 1(b) of the Homeland Security Act of 2002 is
16 amended by inserting after the item relating to section
17 837, as added by this Act, the following new item:

 “Sec. 838. Congressional notification and other requirements for major acquisi-
 tion program breach.”.

18 **SEC. 1232. MULTIYEAR ACQUISITION STRATEGY.**

19 (a) IN GENERAL.—Subtitle D of title VIII of the
20 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.)
21 is further amended by adding at the end the following new
22 section:

1 **“SEC. 839. MULTIYEAR ACQUISITION STRATEGY.**

2 “(a) MULTIYEAR ACQUISITION STRATEGY RE-
3 QUIRED.—

4 “(1) IN GENERAL.—Not later than one year
5 after the date of the enactment of this section, the
6 Secretary shall submit to the appropriate congress-
7 sional committees and the Comptroller General of
8 the United States a multiyear acquisition strategy to
9 guide the overall direction of the acquisitions of the
10 Department while allowing flexibility to deal with
11 ever-changing threats and risks, to keep pace with
12 changes in technology that could impact deliverables,
13 and to help industry better understand, plan, and
14 align resources to meet the future acquisition needs
15 of the Department. Such strategy shall be updated
16 and included in each Future Years Homeland Secu-
17 rity Program required under section 874.

18 “(2) FORM.—The strategy required under para-
19 graph (1) shall be submitted in unclassified form but
20 may include a classified annex for any sensitive or
21 classified information if necessary. The Secretary
22 shall publish such strategy in an unclassified format
23 that is publicly available.

24 “(b) CONSULTATION.—In developing the strategy re-
25 quired under subsection (a), the Secretary shall, as the
26 Secretary determines appropriate, consult with head-

1 quarters, components, employees in the field, and individ-
2 uals from industry and the academic community.

3 “(e) CONTENTS OF STRATEGY.—The strategy shall
4 include the following:

5 “(1) PRIORITIZED LIST.—A systematic and in-
6 tegrated prioritized list developed by the Under Sec-
7 retary for Management in coordination with all of
8 the Component Acquisition Executives of Depart-
9 ment major acquisition programs that Department
10 and component acquisition investments seek to ad-
11 dress, including the expected security and economic
12 benefit of the program or system that is the subject
13 of acquisition and an analysis of how the security
14 and economic benefit derived from such program or
15 system will be measured.

16 “(2) INVENTORY.—A plan to develop a reliable
17 Department-wide inventory of investments and real
18 property assets to help the Department—

19 “(A) plan, budget, schedule, and acquire
20 upgrades of its systems and equipment; and

21 “(B) plan for the acquisition and manage-
22 ment of future systems and equipment.

23 “(3) FUNDING GAPS.—A plan to address fund-
24 ing gaps between funding requirements for major ac-
25 quisition programs and known available resources;

1 including, to the maximum extent practicable, ways
2 of leveraging best practices to identify and eliminate
3 overpayment for items to—

4 “(A) prevent wasteful purchasing;

5 “(B) achieve the greatest level of efficiency
6 and cost savings by rationalizing purchases;

7 “(C) align pricing for similar items; and

8 “(D) utilize purchase timing and econo-
9 mies of scale.

10 “(4) IDENTIFICATION OF CAPABILITIES.—An
11 identification of test, evaluation, modeling, and sim-
12 ulation capabilities that will be required to—

13 “(A) support the acquisition of tech-
14 nologies to meet the needs of such strategy;

15 “(B) leverage to the greatest extent pos-
16 sible emerging technological trends and re-
17 search and development trends within the pub-
18 lic and private sectors; and

19 “(C) identify ways to ensure that appro-
20 priate technology is acquired and integrated
21 into the Department’s operating doctrine to im-
22 prove mission performance.

23 “(5) FOCUS ON FLEXIBLE SOLUTIONS.—An as-
24 sessment of ways the Department can improve its
25 ability to test and acquire innovative solutions to

1 allow needed incentives and protections for appro-
2 priate risk-taking in order to meet its acquisition
3 needs with resiliency, agility, and responsiveness to
4 assure homeland security and facilitate trade.

5 “(6) FOCUS ON INCENTIVES TO SAVE TAX-
6 PAYER DOLLARS.—An assessment of ways the De-
7 partment can develop incentives for program man-
8 agers and senior Department acquisition officials
9 to—

10 “(A) prevent cost overruns;

11 “(B) avoid schedule delays; and

12 “(C) achieve cost savings in major acquisi-
13 tion programs.

14 “(7) FOCUS ON ADDRESSING DELAYS AND BID
15 PROTESTS.—An assessment of ways the Department
16 can improve the acquisition process to minimize cost
17 overruns in—

18 “(A) requirements development;

19 “(B) procurement announcements;

20 “(C) requests for proposals;

21 “(D) evaluation of proposals;

22 “(E) protests of decisions and awards; and

23 “(F) the use of best practices.

24 “(8) FOCUS ON IMPROVING OUTREACH.—An
25 identification and assessment of ways to increase op-

1 opportunities for communication and collaboration with
2 industry, small and disadvantaged businesses, intra-
3 government entities, university centers of excellence,
4 accredited certification and standards development
5 organizations, and national laboratories to ensure
6 that the Department understands the market for
7 technologies, products, and innovation that is avail-
8 able to meet its mission needs and to inform the De-
9 partment’s requirements-setting process before en-
10 gaging in an acquisition, including—

11 “(A) methods designed especially to engage
12 small and disadvantaged businesses; a cost-ben-
13 efit analysis of the tradeoffs that small and dis-
14 advantaged businesses provide; information re-
15 lating to barriers to entry for small and dis-
16 advantaged businesses; and information relating
17 to unique requirements for small and disadvan-
18 taged businesses; and

19 “(B) within the Department Vendor Com-
20 munication Plan and Market Research Guide;
21 instructions for interaction by acquisition pro-
22 gram managers with such entities to—

23 “(i) prevent misinterpretation of ae-
24 quisition regulations; and

1 “(ii) permit, within legal and ethical
2 boundaries, interacting with such entities
3 with transparency.

4 “(9) COMPETITION.—A plan regarding competi-
5 tion under subsection (d).

6 “(10) ACQUISITION WORKFORCE.—A plan re-
7 garding the Department acquisition workforce under
8 subsection (e).

9 “(d) COMPETITION PLAN.—The strategy required
10 under subsection (a) shall also include a plan to address
11 actions to ensure competition, or the option of competi-
12 tion, for major acquisition programs. Such plan may in-
13 clude assessments of the following measures in appro-
14 priate cases if such measures are cost effective:

15 “(1) Competitive prototyping.

16 “(2) Dual-sourcing.

17 “(3) Unbundling of contracts.

18 “(4) Funding of next-generation prototype sys-
19 tems or subsystems.

20 “(5) Use of modular, open architectures to en-
21 able competition for upgrades.

22 “(6) Acquisition of complete technical data
23 packages.

24 “(7) Periodic competitions for subsystem up-
25 grades.

1 “(8) Licensing of additional suppliers, including
2 small businesses.

3 “(9) Periodic system or program reviews to ad-
4 dress long-term competitive effects of program deci-
5 sions.

6 “(e) ACQUISITION WORKFORCE PLAN.—

7 “(1) ACQUISITION WORKFORCE.—The strategy
8 required under subsection (a) shall also include a
9 plan to address Department acquisition workforce
10 accountability and talent management that identifies
11 the acquisition workforce needs of each component
12 performing acquisition functions and develops op-
13 tions for filling such needs with qualified individuals,
14 including a cost-benefit analysis of contracting for
15 acquisition assistance.

16 “(2) ADDITIONAL MATTERS COVERED.—The
17 acquisition workforce plan under this subsection
18 shall address ways to—

19 “(A) improve the recruitment, hiring,
20 training, and retention of Department acquisi-
21 tion workforce personnel, including contracting
22 officer’s representatives, in order to retain high-
23 ly qualified individuals who have experience in
24 the acquisition life cycle, complex procurements,
25 and management of large programs;

1 “(B) empower program managers to have
2 the authority to manage their programs in an
3 accountable and transparent manner as such
4 managers work with the acquisition workforce;

5 “(C) prevent duplication within Depart-
6 ment acquisition workforce training and certifi-
7 cation requirements through leveraging already-
8 existing training within the Federal Govern-
9 ment, academic community, or private industry;

10 “(D) achieve integration and consistency
11 with Government-wide training and accredita-
12 tion standards, acquisition training tools, and
13 training facilities;

14 “(E) designate the acquisition positions
15 that will be necessary to support the Depart-
16 ment acquisition requirements, including in the
17 fields of—

18 “(i) program management;

19 “(ii) systems engineering;

20 “(iii) procurement, including con-
21 tracting;

22 “(iv) test and evaluation;

23 “(v) life cycle logistics;

24 “(vi) cost estimating and program fi-
25 nancial management; and

1 “(vii) additional disciplines appropriate to Department mission needs;

2 “(F) strengthen the performance of contracting officers’ representatives (as defined in
3 subpart 1.602–2 and subpart 2.101 of the Federal Acquisition Regulation); including by—

4 “(i) assessing the extent to which
5 such representatives are certified and receive training that is appropriate;

6 “(ii) assessing what training is most
7 effective with respect to the type and complexity of assignment; and

8 “(iii) implementing actions to improve
9 training based on such assessments; and

10 “(G) identify ways to increase training for
11 relevant investigators and auditors of the Department to examine fraud in major acquisition
12 programs, including identifying opportunities to leverage existing Government and private sector
13 resources in coordination with the Inspector General of the Department.”.

14 (b) CLERICAL AMENDMENT.—The table of contents
15 in section 1(b) of the Homeland Security Act of 2002 is
16 amended by inserting after the item relating to section
17 838, as added by this Act, the following new item:

18 “Sec. 839. Multiyear acquisition strategy.”.

1 (e) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW
2 OF MULTI-YEAR ACQUISITION STRATEGY.—

3 (1) REVIEW.—After submission of the first
4 multiyear acquisition strategy in accordance with
5 section 839 of the Homeland Security Act of 2002,
6 as added by subsection (a), after the date of the en-
7 actment of this Act, the Comptroller General of the
8 United States shall conduct a review of such plan
9 within 180 days to analyze the viability of such
10 plan’s effectiveness in the following:

11 (A) Complying with the requirements of
12 such section 839.

13 (B) Establishing clear connections between
14 Department of Homeland Security objectives
15 and acquisition priorities.

16 (C) Demonstrating that Department acqui-
17 sition policy reflects program management best
18 practices and standards.

19 (D) Ensuring competition or the option of
20 competition for major acquisition programs.

21 (E) Considering potential cost savings
22 through using already-existing technologies
23 when developing acquisition program require-
24 ments.

1 (F) Preventing duplication within Depart-
2 ment acquisition workforce training require-
3 ments through leveraging already-existing train-
4 ing within the Federal Government, academic
5 community, or private industry.

6 (G) Providing incentives for acquisition
7 program managers to reduce acquisition and
8 procurement costs through the use of best prac-
9 tices and disciplined program management.

10 (2) DEFINITIONS.—The terms “acquisition”,
11 “best practices”, and “major acquisition programs”
12 have the meaning given such terms in section 830
13 of the Homeland Security Act of 2002, as added by
14 this Act.

15 (3) REPORT.—Not later than 180 days after
16 the completion of the review required by subsection
17 (a), the Comptroller General of the United States
18 shall submit to the Committee on Homeland Secu-
19 rity and the Committee on Appropriations of the
20 House of Representatives and the Committee on
21 Homeland Security and Governmental Affairs and
22 the Committee on Appropriations of the Senate a re-
23 port on the review. Such report shall be submitted
24 in unclassified form but may include a classified
25 annex.

1 **SEC. 1233. ACQUISITION REPORTS.**

2 (a) IN GENERAL.—Subtitle D of title VIII of the
3 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.)
4 is further amended by adding at the end the following new
5 section:

6 **“SEC. 840. ACQUISITION REPORTS.**

7 **“(a) COMPREHENSIVE ACQUISITION STATUS RE-**
8 **PORT.—**

9 **“(1) IN GENERAL.—**At the same time as the
10 President’s budget is submitted for a fiscal year
11 under section 1105(a) of title 31, United States
12 Code, the Under Secretary for Management shall
13 submit to the congressional homeland security com-
14 mittees an annual comprehensive acquisition status
15 report. The report shall include the following:

16 **“(A)** The information required under the
17 heading ‘Office of the Under Secretary for
18 Management’ under title I of division D of the
19 Consolidated Appropriations Act, 2012 (Public
20 Law 112–74) (as required under the Depart-
21 ment of Homeland Security Appropriations Act,
22 2013 (Public Law 113–6)).

23 **“(B)** A listing of programs that have been
24 cancelled, modified, paused, or referred to the
25 Under Secretary for Management or Deputy
26 Secretary for additional oversight or action by

1 the Board, Department Office of Inspector
2 General, or the Comptroller General.

3 “(C) A listing of established Executive
4 Steering Committees, which provide governance
5 of a program or related set of programs and
6 lower-tiered oversight, and support between ac-
7 quisition decision events and component re-
8 views, including the mission and membership
9 for each.

10 “(2) INFORMATION FOR MAJOR ACQUISITION
11 PROGRAMS.—For each major acquisition program,
12 the report shall include the following:

13 “(A) A narrative description, including
14 current gaps and shortfalls, the capabilities to
15 be fielded, and the number of planned incre-
16 ments or units.

17 “(B) Acquisition Review Board (or other
18 board designated to review the acquisition) sta-
19 tus of each acquisition, including the current
20 acquisition phase, the date of the last review,
21 and a listing of the required documents that
22 have been reviewed with the dates reviewed or
23 approved.

1 “(C) The most current, approved acquisition
2 program baseline (including project schedules
3 and events).

4 “(D) A comparison of the original acquisition
5 program baseline, the current acquisition
6 program baseline, and the current estimate.

7 “(E) Whether or not an independent
8 verification and validation has been implemented,
9 with an explanation for the decision
10 and a summary of any findings.

11 “(F) A rating of cost risk, schedule risk,
12 and technical risk associated with the program
13 (including narrative descriptions and mitigation
14 actions).

15 “(G) Contract status (including earned
16 value management data as applicable).

17 “(H) A lifecycle cost of the acquisition,
18 and time basis for the estimate.

19 “(3) UPDATES.—The Under Secretary shall
20 submit quarterly updates to such report not later
21 than 45 days after the completion of each quarter.

22 “(b) QUARTERLY PROGRAM ACCOUNTABILITY REPORT.—The Under Secretary for Management shall pre-
23 pare a quarterly program accountability report to meet the
24 mandate of the Department to perform program health
25

1 assessments and improve program execution and govern-
2 ance. The report shall be submitted to the congressional
3 homeland security committees.

4 “(c) CONGRESSIONAL HOMELAND SECURITY COM-
5 MITTEES DEFINED.—In this section, the term ‘congres-
6 sional homeland security committees’ means—

7 “(1) the Committee on Homeland Security of
8 the House of Representatives and the Committee on
9 Homeland Security and Governmental Affairs of the
10 Senate; and

11 “(2) the Committee on Appropriations of the
12 House of Representatives and the Committee on Ap-
13 propriations of the Senate.”.

14 (b) LEVEL 3 ACQUISITION PROGRAMS OF COMPO-
15 NENTS OF THE DEPARTMENT.—

16 (1) IN GENERAL.—Not later than 60 days after
17 the date of the enactment of this Act, component
18 heads of the Department of Homeland Security shall
19 identify to the Under Secretary for Management of
20 the Department all level 3 acquisition programs of
21 each respective component. Not later than 30 days
22 after receipt of such information, the Under Sec-
23 retary shall certify in writing to the congressional
24 homeland security committees whether such compo-
25 nent heads have properly identified such programs.

1 To carry out this paragraph, the Under Secretary
2 shall establish a process with a repeatable method-
3 ology to continually identify level 3 acquisition pro-
4 grams.

5 (2) POLICIES AND GUIDANCE.—Not later than
6 180 days after the date of the enactment of this Act,
7 component heads of the Department of Homeland
8 Security shall submit to the Under Secretary for
9 Management of the Department their respective
10 policies and relevant guidance for level 3 acquisition
11 programs of each respective component. Not later
12 than 90 days after receipt of such policies and guid-
13 ance, the Under Secretary for Management shall
14 certify to the congressional homeland security com-
15 mittees that each component’s respective policies
16 and guidance adhere to Department-wide acquisition
17 policies.

18 (c) CLERICAL AMENDMENT.—The table of contents
19 in section 1(b) of such Act is further amended by inserting
20 after the item relating to section 839 the following new
21 item:

“840. Acquisition reports.”

1 **TITLE III—INTELLIGENCE AND**
2 **INFORMATION SHARING**
3 **Subtitle A—Department of Home-**
4 **land Security Intelligence En-**
5 **terprise**

6 ~~SEC. 1301. HOMELAND INTELLIGENCE DOCTRINE.~~

7 ~~(a) IN GENERAL.—~~Subtitle A of title II of the Home-
8 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amend-
9 ed by adding at the end the following new section:

10 ~~“SEC. 210G. HOMELAND INTELLIGENCE DOCTRINE.~~

11 ~~“(a) IN GENERAL.—~~Not later than 180 days after
12 the date of the enactment of this section, the Secretary,
13 acting through the Chief Intelligence Officer of the De-
14 partment, in coordination with intelligence components of
15 the Department, the Office of the General Counsel, the
16 Privacy Office, and the Office for Civil Rights and Civil
17 Liberties, shall develop and disseminate written Depart-
18 ment-wide guidance for the processing, analysis, produc-
19 tion, and dissemination of homeland security information
20 (as such term is defined in section 892) and terrorism in-
21 formation (as such term is defined in section 1016 of the
22 Intelligence Reform and Terrorism Prevention Act of
23 2004 (6 U.S.C. 485)).

24 ~~“(b) CONTENTS.—~~The guidance required under sub-
25 section (a) shall, at a minimum, include the following:

1 “(1) A description of guiding principles and
2 purposes of the Department’s intelligence enterprise.

3 “(2) A summary of the roles and responsibil-
4 ities of each intelligence component of the Depart-
5 ment and programs of the intelligence components of
6 the Department in the processing, analysis, produc-
7 tion, or dissemination of homeland security informa-
8 tion and terrorism information, including relevant
9 authorities and restrictions applicable to each intel-
10 ligence component of the Department and programs
11 of each such intelligence components.

12 “(3) Guidance for the processing, analysis, and
13 production of such information.

14 “(4) Guidance for the dissemination of such in-
15 formation, including within the Department, among
16 and between Federal departments and agencies,
17 among and between State, local, tribal, and terri-
18 torial governments, including law enforcement, and
19 with foreign partners and the private sector.

20 “(5) An assessment and description of how the
21 dissemination to the intelligence community (as such
22 term is defined in section 3(4) of the National Secu-
23 rity Act of 1947 (50 U.S.C. 3003(4))) and Federal
24 law enforcement of homeland security information

1 and terrorism information assists such entities in
2 carrying out their respective missions.

3 “(c) FORM.—The guidance required under subsection
4 (a) shall be submitted in unclassified form, but may in-
5 clude a classified annex.

6 “(d) ANNUAL REVIEW.—For each of the five fiscal
7 years beginning with the fiscal year that begins after the
8 date of the enactment of this section, the Secretary shall
9 conduct a review of the guidance required under sub-
10 section (a) and, as appropriate, revise such guidance.”.

11 (b) CLERICAL AMENDMENT.—The table of contents
12 in section 1(b) of the Homeland Security Act of 2002 is
13 amended by inserting after the item relating to section
14 210F the following new item:

“Sec. 210G. Homeland intelligence doctrine.”.

15 **SEC. 1302. ANALYSTS FOR THE CHIEF INTELLIGENCE OFFI-**
16 **CER.**

17 Paragraph (1) of section 201(e) of the Homeland Se-
18 curity Act of 2002 (6 U.S.C. 121(e)) is amended by add-
19 ing at the end the following new sentence: “The Secretary
20 shall also provide the Chief Intelligence Officer with a
21 staff having appropriate expertise and experience to assist
22 the Chief Intelligence Officer.”.

1 **SEC. 1303. ANNUAL HOMELAND TERRORIST THREAT AS-**
2 **SESSMENTS.**

3 (a) **IN GENERAL.**—Subtitle A of title II of the Home-
4 land Security Act of 2002 (6 U.S.C. 121 et seq.), as
5 amended by this Act, is further amended by adding at the
6 end the following new section:

7 **“SEC. 210H. HOMELAND TERRORIST THREAT ASSESS-**
8 **MENTS.**

9 “(a) **IN GENERAL.**—Not later than 180 days after
10 the date of the enactment of this section and for each of
11 the next five fiscal years (beginning in the fiscal year that
12 begins after the date of the enactment of this section) the
13 Secretary, acting through the Under Secretary for Intel-
14 ligence and Analysis, and using departmental information,
15 including component information, and information pro-
16 vided through State and major urban area fusion centers,
17 shall conduct an assessment of the terrorist threat to the
18 homeland.

19 “(b) **CONTENTS.**—Each assessment under subsection
20 (a) shall include the following:

21 “(1) Empirical data assessing terrorist activi-
22 ties and incidents over time in the United States, in-
23 cluding terrorist activities and incidents planned or
24 supported by persons outside of the United States
25 targeting the homeland.

1 “(2) An evaluation of current terrorist tactics,
2 as well as ongoing and possible future changes in
3 terrorist tactics.

4 “(3) An assessment of criminal activity encoun-
5 tered or observed by officers or employees of compo-
6 nents in the field which is suspected of financing ter-
7 rorist activity.

8 “(4) Detailed information on all individuals de-
9 nied entry to or removed from the United States as
10 a result of material support provided to a foreign
11 terrorist organization (as such term is used in sec-
12 tion 219 of the Immigration and Nationality Act (8
13 U.S.C. 1189)).

14 “(5) The efficacy and spread of foreign ter-
15 rorist organization propaganda, messaging, or re-
16 cruitment.

17 “(6) An assessment of threats, including cyber
18 threats, to the homeland, including to critical infra-
19 structure and Federal civilian networks.

20 “(7) An assessment of current and potential
21 terrorism and criminal threats posed by individuals
22 and organized groups seeking to unlawfully enter the
23 United States.

1 “(8) An assessment of threats to the transpor-
2 tation sector, including surface and aviation trans-
3 portation systems.

4 “(e) ADDITIONAL INFORMATION.—The assessments
5 required under subsection (a)—

6 “(1) shall, to the extent practicable, utilize ex-
7 isting component data collected from the field; and

8 “(2) may incorporate relevant information and
9 analysis from other agencies of the Federal Govern-
10 ment, agencies of State and local governments (in-
11 cluding law enforcement agencies), as well as the
12 private sector, disseminated in accordance with
13 standard information sharing procedures and poli-
14 cies.

15 “(d) FORM.—The assessments required under sub-
16 section (a) shall be shared with the appropriate congres-
17 sional committees and submitted in classified form, but—

18 “(1) shall include unclassified summaries; and

19 “(2) may include unclassified annexes, if appro-
20 priate.”.

21 (b) CONFORMING AMENDMENT.—Subsection (d) of
22 section 201 of the Homeland Security Act of 2002 (6
23 U.S.C. 121) is amended by adding at the end the following
24 new paragraph:

1 (2) Any information or intelligence relevant to
2 priority mission needs and capability requirements of
3 the homeland security enterprise, as determined ap-
4 propriate by the Secretary.

5 (b) DATA FRAMEWORK ACCESS.—

6 (1) IN GENERAL.—The Secretary of Homeland
7 Security shall ensure that the data framework re-
8 quired under this section is accessible to employees
9 of the Department of Homeland Security who the
10 Secretary determines—

11 (A) have an appropriate security clearance;

12 (B) are assigned to perform a function
13 that requires access to information in such
14 framework; and

15 (C) are trained in applicable standards for
16 safeguarding and using such information.

17 (2) GUIDANCE.—The Secretary of Homeland
18 Security shall—

19 (A) issue guidance for Department of
20 Homeland Security employees authorized to ac-
21 cess and contribute to the data framework pur-
22 suant to paragraph (1); and

23 (B) ensure that such guidance enforces a
24 duty to share between offices and components

1 of the Department when accessing or contrib-
2 uting to such framework for mission needs.

3 ~~(3) EFFICIENCY.—~~The Secretary of Homeland
4 Security shall promulgate data standards and in-
5 struct components of the Department of Homeland
6 Security to make available information through the
7 data framework under this section in a machine-
8 readable standard format, to the greatest extent
9 practicable.

10 ~~(c) EXCLUSION OF INFORMATION.—~~The Secretary of
11 Homeland Security may exclude from the data framework
12 information that the Secretary determines access to or the
13 confirmation of the existence of could—

14 (1) jeopardize the protection of sources, meth-
15 ods, or activities;

16 (2) compromise a criminal or national security
17 investigation;

18 (3) be inconsistent with the other Federal laws
19 or regulations; or

20 (4) be duplicative or not serve an operational
21 purpose if included in such framework.

22 ~~(d) SAFEGUARDS.—~~The Secretary of Homeland Se-
23 curity shall incorporate into the data framework systems
24 capabilities for auditing and ensuring the security of infor-

1 mation included in such framework. Such capabilities shall
2 include the following:

3 (1) Mechanisms for identifying insider threats.

4 (2) Mechanisms for identifying security risks.

5 (3) Safeguards for privacy, civil rights, and civil
6 liberties.

7 (e) DEADLINE FOR IMPLEMENTATION.—Not later
8 than two years after the date of the enactment of this Act,
9 the Secretary of Homeland Security shall ensure the data
10 framework required under this section has the ability to
11 include appropriate information in existence within the
12 Department of Homeland Security to meet its critical mis-
13 sion operations.

14 (f) NOTICE TO CONGRESS.—

15 (1) OPERATIONAL NOTIFICATION.—Not later
16 than 60 days after the date on which the data
17 framework required under this section is fully oper-
18 ational, the Secretary of Homeland Security shall
19 provide notice to the appropriate congressional com-
20 mittees of such.

21 (2) REGULAR STATUS.—The Secretary shall
22 submit to the appropriate congressional committees
23 regular updates on the status of the data framework
24 required under this section, including, when applica-

1 ble, the use of such data framework to support clas-
 2 sified operations.

3 (g) DEFINITIONS.—In this section:

4 (1) NATIONAL INTELLIGENCE.—The term “na-
 5 tional intelligence” has the meaning given such term
 6 in section 3(5) of the National Security Act of 1947
 7 (50 U.S.C. 3003(5)).

8 (2) APPROPRIATE CONGRESSIONAL COM-
 9 MITTEE.—The term “appropriate congressional com-
 10 mittee” has the meaning given such term in section
 11 2(2) of the Homeland Security Act of 2002 (6
 12 U.S.C. 101(11)).

13 **SEC. 1305. ESTABLISHMENT OF INSIDER THREAT PRO-**
 14 **GRAM.**

15 (a) IN GENERAL.—Title I of the Homeland Security
 16 Act of 2002 (6 U.S.C. 111 et seq.) is amended by adding
 17 at the end the following new section:

18 **“SEC. 104. INSIDER THREAT PROGRAM.**

19 “(a) ESTABLISHMENT.—The Secretary shall estab-
 20 lish an Insider Threat Program within the Department.
 21 Such Program shall—

22 “(1) provide training and education for Depart-
 23 ment personnel to identify, prevent, mitigate, and re-
 24 spond to insider threat risks to the Department’s
 25 critical assets;

1 “(2) provide investigative support regarding po-
2 tential insider threats that may pose a risk to the
3 Department’s critical assets; and

4 “(3) conduct risk mitigation activities for in-
5 sider threats.

6 “(b) STEERING COMMITTEE.—

7 “(1) IN GENERAL.—The Secretary shall estab-
8 lish a Steering Committee within the Department.
9 The Under Secretary for Intelligence and Analysis
10 shall serve as the Chair of the Steering Committee.
11 The Chief Security Officer shall serve as the Vice
12 Chair. The Steering Committee shall be comprised
13 of representatives of the Office of Intelligence and
14 Analysis, the Office of the Chief Information Officer,
15 the Office of the General Counsel, the Office for
16 Civil Rights and Civil Liberties, the Privacy Office,
17 the Office of the Chief Human Capital Officer, the
18 Office of the Chief Financial Officer, the Federal
19 Protective Service, the Office of the Chief Procure-
20 ment Officer, the Science and Technology Direc-
21 torate, and other components or offices of the De-
22 partment as appropriate. Such representatives shall
23 meet on a regular basis to discuss cases and issues
24 related to insider threats to the Department’s crit-
25 ical assets, in accordance with subsection (a).

1 “(2) RESPONSIBILITIES.—Not later than one
2 year after the date of the enactment of this section,
3 the Under Secretary for Intelligence and Analysis
4 and the Chief Security Officer, in coordination with
5 the Steering Committee established pursuant to
6 paragraph (1), shall—

7 “(A) develop a holistic strategy for Depart-
8 ment-wide efforts to identify, prevent, mitigate,
9 and respond to insider threats to the Depart-
10 ment’s critical assets;

11 “(B) develop a plan to implement the in-
12 sider threat measures identified in the strategy
13 developed under subparagraph (A) across the
14 components and offices of the Department;

15 “(C) document insider threat policies and
16 controls;

17 “(D) conduct a baseline risk assessment of
18 insider threats posed to the Department’s crit-
19 ical assets;

20 “(E) examine existing programmatic and
21 technology best practices adopted by the Fed-
22 eral Government, industry, and research insti-
23 tutions to implement solutions that are vali-
24 dated and cost-effective;

1 “(F) develop a timeline for deploying work-
2 place monitoring technologies, employee aware-
3 ness campaigns, and education and training
4 programs related to identifying, preventing,
5 mitigating, and responding to potential insider
6 threats to the Department’s critical assets;

7 “(G) require the Chair and Vice Chair of
8 the Steering Committee to consult with the
9 Under Secretary for Science and Technology
10 and other appropriate stakeholders to ensure
11 the Insider Threat Program is informed, on an
12 ongoing basis, by current information regarding
13 threats, best practices, and available tech-
14 nology; and

15 “(H) develop, collect, and report metrics
16 on the effectiveness of the Department’s insider
17 threat mitigation efforts.

18 “(e) DEFINITIONS.—In this section:

19 “(1) CRITICAL ASSETS.—The term ‘critical as-
20 sets’ means the people, facilities, information, and
21 technology required for the Department to fulfill its
22 mission.

23 “(2) INSIDER.—The term ‘insider’ means—

24 “(A) any person who has access to classi-
25 fied national security information and is em-

1 employed by, detailed to, or assigned to the De-
2 partment, including members of the Armed
3 Forces, experts or consultants to the Depart-
4 ment, industrial or commercial contractors, li-
5 censees, certificate holders, or grantees of the
6 Department, including all subcontractors, per-
7 sonal services contractors, or any other category
8 of person who acts for or on behalf of the De-
9 partment, as determined by the Secretary; or

10 “(B) State, local, tribal, territorial, and
11 private sector personnel who possess security
12 clearances granted by the Department.

13 “(3) INSIDER THREAT.—The term ‘insider
14 threat’ means the threat that an insider will use his
15 or her authorized access, wittingly or unwittingly, to
16 do harm to the security of the United States, includ-
17 ing damage to the United States through espionage,
18 terrorism, the unauthorized disclosure of classified
19 national security information, or through the loss or
20 degradation of departmental resources or capabili-
21 ties.”.

22 (b) REPORTING.—

23 (1) IN GENERAL.—Not later than two years
24 after the date of the enactment of section 104 of the
25 Homeland Security Act of 2002 (as added by sub-

1 section (a) of this section) and the biennially there-
2 after for the next four years, the Secretary of Home-
3 land Security shall submit to the Committee on
4 Homeland Security and the Permanent Select Com-
5 mittee on Intelligence of the House of Representa-
6 tives and the Committee on Homeland Security and
7 Governmental Affairs and the Select Committee on
8 Intelligence of the Senate a report on how the De-
9 partment of Homeland Security and its components
10 and offices have implemented the strategy developed
11 pursuant to subsection (b)(2)(A) of such section
12 104, the status of the Department's risk assessment
13 of critical assets, the types of insider threat training
14 conducted, the number of Department employees
15 who have received such training, and information on
16 the effectiveness of the Insider Threat Program (es-
17 tablished pursuant to subsection (a) of such section
18 104), based on metrics developed, collected, and re-
19 ported pursuant to subsection (b)(2)(H) of such sec-
20 tion 104.

21 (2) DEFINITIONS.—In this subsection, the
22 terms “critical assets”, “insider”, and “insider
23 threat” have the meanings given such terms in sec-
24 tion 104 of the Homeland Security Act of 2002 (as
25 added by subsection (a) of this section).

1 (e) CLERICAL AMENDMENT.—The table of contents
2 in section 1(b) of the Homeland Security Act of 2002 is
3 amended by inserting after the item relating to section
4 103 the following new item:

“Sec. 104. Insider Threat Program.”.

5 **SEC. 1306. THREAT ASSESSMENT ON TERRORIST USE OF**
6 **VIRTUAL CURRENCY.**

7 (a) IN GENERAL.—Not later than 120 days after the
8 date of the enactment of this Act, the Under Secretary
9 of Homeland Security for Intelligence and Analysis, as au-
10 thorized by section 201(b)(1) of the Homeland Security
11 Act of 2002 (6 U.S.C. 121), shall, in coordination with
12 appropriate Federal partners, develop and disseminate a
13 threat assessment regarding the actual and potential
14 threat posed by individuals using virtual currency to carry
15 out activities in furtherance of an act of terrorism, includ-
16 ing the provision of material support or resources to a for-
17 eign terrorist organization. Consistent with the protection
18 of classified and confidential unclassified information, the
19 Under Secretary shall share the threat assessment devel-
20 oped under this section with State, local, and tribal law
21 enforcement officials, including officials that operate with-
22 in State, local, and regional fusion centers through the De-
23 partment of Homeland Security State, Local, and Re-
24 gional Fusion Center Initiative established in section 210A
25 of the Homeland Security Act of 2002 (6 U.S.C. 124h).

1 (b) DEFINITIONS.—In this section:

2 (1) FOREIGN TERRORIST ORGANIZATION.—The
3 term “foreign terrorist organization” means an or-
4 ganization designated as a foreign terrorist organiza-
5 tion under section 219 of the Immigration and Na-
6 tionality Act (8 U.S.C. 1189).

7 (2) VIRTUAL CURRENCY.—The term “virtual
8 currency” means a digital representation of value
9 that functions as a medium of exchange; a unit of
10 account; or a store of value.

11 **SEC. 1307. DEPARTMENT OF HOMELAND SECURITY**
12 **COUNTERTERRORISM ADVISORY BOARD.**

13 (a) IN GENERAL.—Subtitle A of title II of the Home-
14 land Security Act of 2002 (6 U.S.C. 121 et seq.), as
15 amended by this Act, is further amended by adding at the
16 end the following new section:

17 **“SEC. 210I. DEPARTMENTAL COORDINATION ON COUNTER-**
18 **TERRORISM.**

19 “(a) ESTABLISHMENT.—There is in the Department
20 a board to be composed of senior representatives of de-
21 partmental operational components and headquarters ele-
22 ments. The purpose of the board shall be to coordinate
23 and integrate departmental intelligence, activities, and
24 policy related to the counterterrorism mission and func-
25 tions of the Department.

1 “(b) CHARTER.—There shall be a charter to govern
2 the structure and mission of the board. Such charter shall
3 direct the board to focus on the current threat environ-
4 ment and the importance of aligning departmental
5 counterterrorism activities under the Secretary’s guidance.
6 The charter shall be reviewed and updated every four
7 years, as appropriate.

8 “(c) MEMBERS.—

9 “(1) CHAIR.—The Secretary shall appoint a
10 Coordinator for Counterterrorism within the Depart-
11 ment who will serve as the chair of the board.

12 “(2) ADDITIONAL MEMBERS.—The Secretary
13 shall appoint additional members of the board from
14 among the following:

15 “(A) The Transportation Security Admin-
16 istration.

17 “(B) U.S. Customs and Border Protection.

18 “(C) U.S. Immigration and Customs En-
19 forcement.

20 “(D) The Federal Emergency Management
21 Agency.

22 “(E) The Coast Guard.

23 “(F) United States Citizenship and Immi-
24 gration Services.

25 “(G) The United States Secret Service.

1 “(H) The National Protection and Pro-
2 grams Directorate.

3 “(I) The Office of Operations Coordina-
4 tion.

5 “(J) The Office of the General Counsel.

6 “(K) The Office of Intelligence and Anal-
7 ysis.

8 “(L) The Office of Policy.

9 “(M) The Science and Technology Direc-
10 torate.

11 “(N) Other departmental offices and pro-
12 grams as determined appropriate by the Sec-
13 retary.

14 “(d) MEETINGS.—The board shall meet on a regular
15 basis to discuss intelligence and coordinate ongoing threat
16 mitigation efforts and departmental activities, including
17 coordination with other Federal, State, local, tribal, terri-
18 torial, and private sector partners, and shall make rec-
19 ommendations to the Secretary.

20 “(e) TERRORISM ALERTS.—The board shall advise
21 the Secretary on the issuance of terrorism alerts pursuant
22 to section 203 of this Act.

23 “(f) PROHIBITION ON ADDITIONAL FUNDS.—No ad-
24 ditional funds are authorized to carry out this section.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 in section 1(b) of the Homeland Security Act of 2002 is
3 amended by inserting after the item relating to section
4 210H, as added by this Act, the following new item:

“Sec. 210I. Departmental coordination on counterterrorism.”.

5 (c) REPORT.—Not later than 90 days after the date
6 of the enactment of this Act, the Secretary of Homeland
7 Security, acting through the Coordinator for Counterter-
8 rorism, shall submit to the Committee on Homeland Secu-
9 rity of the House of Representatives and the Committee
10 on Homeland Security and Governmental Affairs of the
11 Senate a report on the status and activities of the board
12 established under section 210I of the Homeland Security
13 Act of 2002, as added by subsection (a) of this section.

14 **SEC. 1308. BORDER AND GANG THREAT ASSESSMENT.**

15 (a) IN GENERAL.—Not later than 90 days after the
16 date of the enactment of this Act, the Secretary of Home-
17 land Security shall conduct a threat assessment on wheth-
18 er human smuggling organizations and transnational
19 gangs are exploiting vulnerabilities in border security
20 screening programs to gain access to the United States
21 and threaten the United States or border security.

22 (b) RECOMMENDATIONS.—Upon completion of the
23 threat assessment required under subsection (a), the Sec-
24 retary of Homeland Security shall make a determination

1 if any changes are required to address security
2 vulnerabilities identified in such assessment.

3 **SEC. 1309. SECURITY CLEARANCE MANAGEMENT AND AD-**
4 **MINISTRATION.**

5 (a) IN GENERAL.—Title VII of the Homeland Secu-
6 rity Act of 2002 is amended—

7 (1) by inserting before section 701 (6 U.S.C.
8 341) the following:

9 **“Subtitle A—Headquarters**
10 **Activities”;**

11 and

12 (2) by adding at the end the following new sub-
13 title:

14 **“Subtitle B—Security Clearances**

15 **“SEC. 731. DESIGNATION OF NATIONAL SECURITY SEN-**
16 **SITIVE AND PUBLIC TRUST POSITIONS.**

17 “(a) IN GENERAL.—The Secretary shall require the
18 designation of the sensitivity level of national security po-
19 sitions (pursuant to part 1400 of title 5, Code of Federal
20 Regulations, or similar successor regulation) be conducted
21 in a consistent manner with respect to all components and
22 offices of the Department, and consistent with Federal
23 guidelines.

24 “(b) IMPLEMENTATION.—In carrying out subsection
25 (a), the Secretary shall require the utilization of uniform

1 designation tools throughout the Department and provide
2 training to appropriate staff of the Department on such
3 utilization. Such training shall include guidance on factors
4 for determining eligibility for access to classified informa-
5 tion and eligibility to hold a national security position.

6 **“SEC. 732. REVIEW OF POSITION DESIGNATIONS.**

7 “(a) IN GENERAL.—Not later than one year after the
8 date of the enactment of this subtitle, and every five years
9 thereafter, the Secretary shall review all sensitivity level
10 designations of national security positions (pursuant to
11 part 1400 of title 5, Code of Federal Regulations, or simi-
12 lar successor regulation) at the Department.

13 “(b) DETERMINATION.—If during the course of a re-
14 view required under subsection (a), the Secretary deter-
15 mines that a change in the sensitivity level of a position
16 that affects the need for an individual to obtain access
17 to classified information is warranted, such access shall
18 be administratively adjusted and an appropriate level peri-
19 odic reinvestigation completed, as necessary.

20 “(c) CONGRESSIONAL REPORTING.—Upon comple-
21 tion of each review required under subsection (a), the Sec-
22 retary shall report to the Committee on Homeland Secu-
23 rity of the House of Representatives and the Committee
24 on Homeland Security and Governmental Affairs of the
25 Senate on the findings of each such review, including the

1 number of positions by classification level and by compo-
2 nent and office of the Department in which the Secretary
3 made a determination in accordance with subsection (b)
4 to—

5 “(1) require access to classified information;

6 “(2) no longer require access to classified infor-
7 mation; or

8 “(3) otherwise require a different level of access
9 to classified information.

10 **“SEC. 733. AUDITS.**

11 “Beginning not later than 180 days after the date
12 of the enactment of this section, the Inspector General of
13 the Department shall conduct regular audits of compliance
14 of the Department with part 1400 of title 5, Code of Fed-
15 eral Regulations, or similar successor regulation.

16 **“SEC. 734. REPORTING.**

17 “(a) IN GENERAL.—The Secretary shall annually
18 through fiscal year 2022 submit to the Committee on
19 Homeland Security and the Committee on Oversight and
20 Government Reform of the House of Representatives and
21 the Committee on Homeland Security and Governmental
22 Affairs of the Senate a report on the following:

23 “(1) The number of denials, suspensions, rev-
24 oocations, and appeals of the eligibility for access to

1 classified information of an individual throughout
2 the Department.

3 “(2) The date and status or disposition of each
4 reported action under paragraph (1).

5 “(3) The identification of the sponsoring entity,
6 whether by a component, office, or headquarters of
7 the Department, of each action under paragraph (1),
8 and description of the grounds for each such action.

9 “(4) Demographic data, including data relating
10 to race, sex, national origin, and disability, of each
11 individual for whom eligibility for access to classified
12 information was denied, suspended, revoked, or ap-
13 pealed, and the number of years that each such indi-
14 vidual was eligible for access to such information.

15 “(5) In the case of a suspension in excess of
16 180 days, an explanation for such duration.

17 “(b) FORM.—The report required under subsection
18 (a) shall be submitted in unclassified form and be made
19 publicly available, but may include a classified annex for
20 any sensitive or classified information if necessary.

21 **“SEC. 735. UNIFORM ADJUDICATION, SUSPENSION, DENIAL,**

22 **AND REVOCATION.**

23 “Not later than one year after the date of the enact-
24 ment of this section, the Secretary, in consultation with
25 the Homeland Security Advisory Committee, shall develop

1 a plan to achieve greater uniformity within the Depart-
2 ment with respect to the adjudication of eligibility of an
3 individual for access to classified information that are con-
4 sistent with the Adjudicative Guidelines for Determining
5 Access to Classified Information published on December
6 29, 2005, or similar successor regulation. The Secretary
7 shall submit to the Committee on Homeland Security of
8 the House of Representatives and the Committee on
9 Homeland Security and Governmental Affairs of the Sen-
10 ate the plan. The plan shall consider the following:

11 “(1) Mechanisms to foster greater compliance
12 with the uniform Department adjudication, suspen-
13 sion, denial, and revocation standards by the head of
14 each component and office of the Department with
15 the authority to adjudicate access to classified infor-
16 mation.

17 “(2) The establishment of an internal appeals
18 panel responsible for final national security clear-
19 ance denial and revocation determinations that is
20 comprised of designees who are career, supervisory
21 employees from components and offices of the De-
22 partment with the authority to adjudicate access to
23 classified information and headquarters, as appro-
24 priate.

1 **“SEC. 736. DATA PROTECTION.**

2 “~~The Secretary shall ensure that all information re-~~
 3 ~~ceived for the adjudication of eligibility of an individual~~
 4 ~~for access to classified information is consistent with the~~
 5 ~~Adjudicative Guidelines for Determining Access to Classi-~~
 6 ~~fied Information published on December 29, 2005, or~~
 7 ~~similar successor regulation, and is protected against mis-~~
 8 ~~appropriation.~~”

9 **“SEC. 737. REFERENCE.**

10 “~~Except as otherwise provided, for purposes of this~~
 11 ~~subtitle, any reference to the ‘Department’ includes all~~
 12 ~~components and offices of the Department.’.”~~”

13 (b) **CLERICAL AMENDMENT.**—The table of contents
 14 of the Homeland Security Act of 2002 is amended—

15 (1) by inserting before the item relating to sec-
 16 tion 701 the following new item:

“Subtitle A—Headquarters Activities”;

17 and

18 (2) by inserting after the final item relating to
 19 title VII the following new items:

“Subtitle B—Security Clearances

“Sec. 731. Designation of national security sensitive and public trust positions.

“Sec. 732. Review of position designations.

“Sec. 733. Audits.

“Sec. 734. Reporting.

“Sec. 735. Uniform adjudication, suspension, denial, and revocation.

“Sec. 736. Data protection.

“Sec. 737. Reference.”

1 **Subtitle B—Stakeholder**
2 **Information Sharing**

3 **SEC. 1311. DEPARTMENT OF HOMELAND SECURITY FUSION**
4 **CENTER PARTNERSHIP INITIATIVE.**

5 (a) **IN GENERAL.**—Section 210A of the Homeland
6 Security Act of 2002 (6 U.S.C. 124h) is amended—

7 (1) by amending the section heading to read as
8 follows:

9 **“SEC. 210A. DEPARTMENT OF HOMELAND SECURITY FU-**
10 **SION CENTER PARTNERSHIP INITIATIVE.”;**

11 (2) in subsection (a), by adding at the end the
12 following new sentence: “Beginning on the date of
13 the enactment of the Department of Homeland Se-
14 curity Authorization Act of 2017, such Initiative
15 shall be known as the ‘Department of Homeland Se-
16 curity Fusion Center Partnership Initiative.’”;

17 (3) by amending subsection (b) to read as fol-
18 lows:

19 **“(b) INTERAGENCY SUPPORT AND COORDINATION.**—
20 Through the Department of Homeland Security Fusion
21 Center Partnership Initiative, in coordination with prin-
22 cipal officials of fusion centers in the National Network
23 of Fusion Centers and the officers designated as the
24 Homeland Security Advisors of the States, the Secretary
25 shall—

1 “(1) coordinate with the heads of other Federal
2 departments and agencies to provide operational and
3 intelligence advice and assistance to the National
4 Network of Fusion Centers;

5 “(2)(A) support the integration of fusion cen-
6 ters into the information sharing environment;

7 “(B) conduct outreach to such fusion centers to
8 identify any gaps in information sharing; and

9 “(C) consult with other Federal agencies to de-
10 velop methods to address any such gaps, as appro-
11 priate;

12 “(3)(A) identify Federal databases and
13 datasets, including databases and datasets used, op-
14 erated, or managed by Department components, the
15 Federal Bureau of Investigation, and the Depart-
16 ment of the Treasury, that are appropriate, in ac-
17 cordance with Federal laws and policies, to address
18 any gaps identified pursuant to paragraph (2), for
19 inclusion in the information sharing environment;
20 and

21 “(B) coordinate with the appropriate Federal
22 agency to deploy or access such databases and
23 datasets;

24 “(4) support the maturation and sustainment
25 of the National Network of Fusion Centers;

1 “(5) reduce inefficiencies and maximize the ef-
2 fectiveness of Federal resource support to the Na-
3 tional Network of Fusion Centers;

4 “(6) provide analytic and reporting advice and
5 assistance to the National Network of Fusion Cen-
6 ters;

7 “(7) review information within the scope of the
8 information sharing environment, including home-
9 land security information, terrorism information,
10 and weapons of mass destruction information, that
11 is gathered by the National Network of Fusion Cen-
12 ters and incorporate such information, as appro-
13 priate, into the Department’s own such information;

14 “(8) provide for the effective dissemination of
15 information within the scope of the information
16 sharing environment to the National Network of Fu-
17 sion Centers;

18 “(9) facilitate close communication and coordi-
19 nation between the National Network of Fusion
20 Centers and the Department and other Federal de-
21 partments and agencies;

22 “(10) provide the National Network of Fusion
23 Centers with expertise on Department resources and
24 operations, including, in coordination with the na-
25 tional cybersecurity and communications integration

1 center under section 227, access to timely technical
2 assistance, risk management support, and incident
3 response capabilities with respect to cyber threat in-
4 dicators, defensive measures, cybersecurity risks,
5 and incidents (as such terms are defined in such sec-
6 tion), which may include attribution, mitigation, and
7 remediation, and the provision of information and
8 recommendations on security and resilience, includ-
9 ing implications of cybersecurity risks to equipment
10 and technology related to the electoral process;

11 “(11) coordinate the provision of training and
12 technical assistance to the National Network of Fu-
13 sion Centers and encourage participating fusion cen-
14 ters to take part in terrorism threat-related exercises
15 conducted by the Department;

16 “(12) review information relating to cybersecu-
17 rity risks that is gathered by State, local, and re-
18 gional fusion centers, and incorporate such informa-
19 tion, as appropriate, into the Department’s own in-
20 formation relating to cybersecurity risks;

21 “(13) ensure the dissemination to State, local,
22 and regional fusion centers of the information de-
23 scribed in paragraph (12);

24 “(14) ensure, to the greatest extent practicable,
25 that support for the National Network of Fusion

1 Centers is included as a national priority in applica-
2 ble homeland security grant guidance;

3 “(15) ensure that each fusion center in the Na-
4 tional Network of Fusion Centers has a privacy pol-
5 icy approved by the Chief Privacy Officer of the De-
6 partment and a civil rights and civil liberties policy
7 approved by the Officer for Civil Rights and Civil
8 Liberties of the Department;

9 “(16) coordinate the nationwide suspicious ac-
10 tivity report initiative to ensure information gath-
11 ered by the National Network of Fusion Centers is
12 incorporated as appropriate;

13 “(17) promote and facilitate, to the greatest ex-
14 tent practicable, nationwide suspicious activity re-
15 port training of fire, emergency medical services,
16 emergency management, and public health personnel;

17 “(18) lead Department efforts to ensure fusion
18 centers in the National Network of Fusion Centers
19 are the primary focal points for the sharing of home-
20 land security information, terrorism information,
21 and weapons of mass destruction information with
22 State, local, tribal, and territorial entities to the
23 greatest extent practicable;

24 “(19) develop and disseminate best practices on
25 the appropriate levels for staffing at fusion centers

1 in the National Network of Fusion Centers of quali-
2 fied representatives from State, local, tribal, and ter-
3 ritorial law enforcement, fire, emergency medical,
4 and emergency management services, and public
5 health disciplines, as well as the private sector; and

6 “(20) carry out such other duties as the Sec-
7 retary determines appropriate.”;

8 (4) in subsection (c)—

9 (A) by striking so much as precedes para-
10 graph (3)(B) and inserting the following:

11 “(c) RESOURCE ALLOCATION.—

12 “(1) INFORMATION SHARING AND PERSONNEL
13 ASSIGNMENT.—

14 “(A) INFORMATION SHARING.—The Under
15 Secretary for Intelligence and Analysis shall en-
16 sure that, as appropriate—

17 “(i) fusion centers in the National
18 Network of Fusion Centers have access to
19 homeland security information sharing sys-
20 tems; and

21 “(ii) Department personnel are de-
22 ployed to support fusion centers in the Na-
23 tional Network of Fusion Centers in a
24 manner consistent with the Department’s
25 mission and existing statutory limits.

1 “(B) PERSONNEL ASSIGNMENT.—Depart-
2 ment personnel referred to in subparagraph
3 (A)(ii) may include the following:

4 “(i) Intelligence officers.

5 “(ii) Intelligence analysts.

6 “(iii) Other liaisons from components
7 and offices of the Department, as appro-
8 priate.

9 “(C) MEMORANDA OF UNDERSTANDING.—

10 The Under Secretary for Intelligence and Anal-
11 ysis shall negotiate memoranda of under-
12 standing between the Department and a State
13 or local government, in coordination with the
14 appropriate representatives from fusion centers
15 in the National Network of Fusion Centers, re-
16 garding the exchange of information between
17 the Department and such fusion centers. Such
18 memoranda shall include the following:

19 “(i) The categories of information to
20 be provided by each entity to the other en-
21 tity that are parties to any such memo-
22 randa.

23 “(ii) The contemplated uses of the ex-
24 changed information that is the subject of
25 any such memoranda.

1 ~~“(iii) The procedures for developing~~
2 ~~joint products.~~

3 ~~“(iv) The information sharing dispute~~
4 ~~resolution processes.~~

5 ~~“(v) Any protections necessary to en-~~
6 ~~sure the exchange of information accords~~
7 ~~with applicable law and policies.~~

8 ~~“(2) SOURCES OF SUPPORT.—~~

9 ~~“(A) IN GENERAL.—Information shared~~
10 ~~and personnel assigned pursuant to paragraph~~
11 ~~(1) may be shared or provided, as the case may~~
12 ~~be, by the following Department components~~
13 ~~and offices, in coordination with the respective~~
14 ~~component or office head and in consultation~~
15 ~~with the principal officials of fusion centers in~~
16 ~~the National Network of Fusion Centers:~~

17 ~~“(i) The Office of Intelligence and~~
18 ~~Analysis.~~

19 ~~“(ii) The Office of Infrastructure Pro-~~
20 ~~tection.~~

21 ~~“(iii) The Transportation Security~~
22 ~~Administration.~~

23 ~~“(iv) U.S. Customs and Border Pro-~~
24 ~~tection.~~

1 “(v) U.S. Immigration and Customs
2 Enforcement.

3 “(vi) The Coast Guard.

4 “(vii) The national cybersecurity and
5 communications integration center under
6 section 227.

7 “(viii) Other components or offices of
8 the Department, as determined by the Sec-
9 retary.

10 “(B) COORDINATION WITH OTHER FED-
11 ERAL AGENCIES.—The Under Secretary for In-
12 telligence and Analysis shall coordinate with ap-
13 propriate officials throughout the Federal Gov-
14 ernment to ensure the deployment to fusion
15 centers in the National Network of Fusion Cen-
16 ters of representatives with relevant expertise of
17 other Federal departments and agencies.

18 “(3) RESOURCE ALLOCATION CRITERIA.—

19 “(A) IN GENERAL.—The Secretary shall
20 make available criteria for sharing information
21 and deploying personnel to support a fusion
22 center in the National Network of Fusion Cen-
23 ters in a manner consistent with the Depart-
24 ment’s mission and existing statutory limits.”;
25 and

1 (B) in paragraph (4)(B), in the matter
2 preceding clause (i), by inserting “in which
3 such fusion center is located” after “region”;
4 (5) in subsection (d)—

5 (A) in paragraph (3), by striking “and” at
6 the end;

7 (B) by redesignating paragraph (4) as
8 paragraph (5);

9 (C) by inserting after paragraph (3) the
10 following new paragraph:

11 “(4) assist, in coordination with the national
12 cybersecurity and communications integration center
13 under section 227, fusion centers in using informa-
14 tion relating to cybersecurity risks to develop a com-
15 prehensive and accurate threat picture;”.

16 (D) in paragraph (5), as so redesignated—

17 (i) by striking “government” and in-
18 serting “governments”; and

19 (ii) by striking the period at the end
20 and inserting “; and”; and

21 (E) by adding at the end the following new
22 paragraph:

23 “(6) utilize Department information, including
24 information held by components and offices, to de-

1 develop analysis focused on the mission of the Depart-
2 ment under section 101(b).”;

3 (6) in subsection (e)—

4 (A) by amending paragraph (1) to read as
5 follows:

6 “(1) IN GENERAL.—To the greatest extent
7 practicable, the Secretary shall make it a priority to
8 allocate resources, including deployed personnel,
9 under this section from U.S. Customs and Border
10 Protection, U.S. Immigration and Customs Enforce-
11 ment, and the Coast Guard to support fusion centers
12 in the National Network of Fusion Centers located
13 in jurisdictions along land or maritime borders of
14 the United States in order to enhance the integrity
15 of and security at such borders by helping Federal,
16 State, local, tribal, and territorial law enforcement
17 authorities to identify, investigate, and otherwise
18 interdict persons, weapons, and related contraband
19 that pose a threat to homeland security.”; and

20 (B) in paragraph (2), in the matter pre-
21 ceeding subparagraph (A), by striking “partici-
22 pating State, local, and regional fusion centers”
23 and inserting “fusion centers in the National
24 Network of Fusion Centers”;

25 (7) in subsection (j)—

1 (A) by redesignating paragraph (5) as
2 paragraph (7);

3 (B) by redesignating paragraphs (1)
4 through (4) as paragraphs (2) through (5), re-
5 spectively;

6 (C) by inserting before paragraph (2) the
7 following new paragraph:

8 “(1) the term ‘cybersecurity risk’ has the mean-
9 ing given such term in section 227;”.

10 (D) in paragraph (5), as so redesignated,
11 by striking “and” at the end; and

12 (E) by inserting after such paragraph (5)
13 the following new paragraph:

14 “(6) the term ‘National Network of Fusion
15 Centers’ means a decentralized arrangement of fu-
16 sion centers intended to enhance individual State
17 and urban area fusion centers’ ability to leverage the
18 capabilities and expertise of all fusion centers for the
19 purpose of enhancing analysis and homeland secu-
20 rity information sharing nationally; and”;

21 (8) by striking subsection (k).

22 (b) ACCOUNTABILITY REPORT.—Not later than one
23 year after the date of the enactment of this Act and annu-
24 ally thereafter through 2024, the Under Secretary for In-
25 telligence and Analysis of the Department of Homeland

1 Security shall report to the Committee on Homeland Secu-
2 rity and the Permanent Select Committee on Intelligence
3 of the House of Representatives and the Committee on
4 Homeland Security and Governmental Affairs and the Se-
5 lect Committee on Intelligence of the Senate on the efforts
6 of the Office of Intelligence and Analysis of the Depart-
7 ment and other relevant components and offices of the De-
8 partment to enhance support provided to fusion centers
9 in the National Network of Fusion Centers, including
10 meeting the requirements specified in section 210A of the
11 Homeland Security Act of 2002 (6 U.S.C. 124h), as
12 amended by subsection (a) of this section.

13 (c) CLERICAL AMENDMENT.—The table of contents
14 in section 1(b) of the Homeland Security Act of 2002 is
15 amended by striking the item relating to section 210A and
16 inserting the following new item:

“Sec. 210A. Department of Homeland Security Fusion Center Partnership Initiative.”

17 (d) REFERENCE.—Any reference in any law, rule, or
18 regulation to the “Department of Homeland Security
19 State, Local, and Regional Fusion Center Initiative” shall
20 be deemed to be a reference to the “Department of Home-
21 land Security Fusion Center Partnership Initiative”.

1 **SEC. 1312. FUSION CENTER PERSONNEL NEEDS ASSESS-**
2 **MENT.**

3 (a) **IN GENERAL.**—Not later than 120 days after the
4 date of the enactment of this Act, the Comptroller General
5 of the United States shall conduct an assessment of De-
6 partment of Homeland Security personnel assigned to fu-
7 sion centers pursuant to subsection (e) of section 210A
8 of the Homeland Security Act of 2002 (6 U.S.C. 124h),
9 as amended by this Act, including an assessment of wheth-
10 er deploying additional Department personnel to such fu-
11 sion centers would enhance the Department’s mission
12 under section 101(b) of such Act and the National Net-
13 work of Fusion Centers. The assessment required under
14 this subsection shall include the following:

15 (1) Information on the current deployment of
16 the Department’s personnel to each fusion center.

17 (2) Information on the roles and responsibilities
18 of the Department’s Office of Intelligence and Anal-
19 ysis intelligence officers, intelligence analysts, senior
20 reports officers, reports officers, and regional direc-
21 tors deployed to fusion centers.

22 (3) Information on Federal resources, in addi-
23 tion to personnel, provided to each fusion center.

24 (4) An analysis of the optimal number of per-
25 sonnel the Office of Intelligence and Analysis should
26 deploy to fusion centers, including a cost-benefit

1 analysis comparing deployed personnel with techno-
2 logical solutions to support information sharing.

3 (5) An assessment of fusion centers located in
4 jurisdictions along land and maritime borders of the
5 United States, and the degree to which deploying
6 personnel, as appropriate, from U.S. Customs and
7 Border Protection, U.S. Immigration and Customs
8 Enforcement, and the Coast Guard to such fusion
9 centers would enhance the integrity and security at
10 such borders by helping Federal, State, local, tribal,
11 and territorial law enforcement authorities to iden-
12 tify, investigate, and interdict persons, weapons, and
13 related contraband that pose a threat to homeland
14 security.

15 (6) An assessment of fusion centers located in
16 jurisdictions with large and medium hub airports,
17 and the degree to which deploying, as appropriate,
18 personnel from the Transportation Security Admin-
19 istration to such fusion centers would enhance the
20 integrity and security of aviation security.

21 (b) DEFINITIONS.—In this section:

22 (1) FUSION CENTER.—The term “fusion cen-
23 ter” has the meaning given such term in subsection
24 (j) of section 210A of the Homeland Security Act of
25 2002 (6 U.S.C. 124h).

1 (1) The process by which the Under Secretary
2 of Intelligence and Analysis determines a need to
3 know pursuant to Executive Order No. 13526 to
4 sponsor Top Secret clearances for appropriate State,
5 local, tribal, and territorial analysts located in fusion
6 centers.

7 (2) The effects of such Top Secret clearances
8 on enhancing information sharing with State, local,
9 tribal, and territorial partners.

10 (3) The cost for providing such Top Secret
11 clearances for State, local, tribal, and territorial ana-
12 lysts located in fusion centers, including training
13 and background investigations.

14 (4) The operational security protocols, training,
15 management, and risks associated with providing
16 such Top Secret clearances for State, local, tribal,
17 and territorial analysts located in fusion centers.

18 (c) DEFINITION.—In this section, the term “fusion
19 center” has the meaning given such term in subsection
20 (j) of section 210A of the Homeland Security Act of 2002
21 (6 U.S.C. 124h).

22 **SEC. 1314. INFORMATION TECHNOLOGY ASSESSMENT.**

23 (a) IN GENERAL.—The Under Secretary of Intel-
24 ligence and Analysis of the Department of Homeland Se-
25 curity, in collaboration with the Chief Information Officer

1 of the Department and representatives from the National
2 Network of Fusion Centers, shall conduct an assessment
3 of information systems (as such term is defined in section
4 3502 of title 44, United States Code) used to share home-
5 land security information between the Department and fu-
6 sion centers in the National Network of Fusion Centers
7 and make upgrades to such systems, as appropriate. Such
8 assessment shall include the following:

9 (1) An evaluation of the accessibility and ease
10 of use of such systems by fusion centers in the Na-
11 tional Network of Fusion Centers.

12 (2) A review to determine how to establish im-
13 proved interoperability of departmental information
14 systems with existing information systems used by
15 fusion centers in the National Network of Fusion
16 Centers.

17 (3) An evaluation of participation levels of de-
18 partmental components and offices of information
19 systems used to share homeland security information
20 with fusion centers in the National Network of Fu-
21 sion Centers.

22 (b) DEFINITIONS.—In this section:

23 (1) FUSION CENTER.—The term “fusion cen-
24 ter” has the meaning given such term in subsection

1 (j) of section 210A of the Homeland Security Act of
2 2002 (6 U.S.C. 124h).

3 ~~(2) NATIONAL NETWORK OF FUSION CEN-~~
4 ~~TERS.—~~The term “National Network of Fusion Cen-
5 ters” has the meaning given such term in subsection
6 (j) of section 210A of the Homeland Security Act of
7 2002 (6 U.S.C. 124h), as amended by this Act.

8 **SEC. 1315. DEPARTMENT OF HOMELAND SECURITY CLASSI-**
9 **FIED FACILITY INVENTORY AND DISSEMINA-**
10 **TION.**

11 (a) ~~IN GENERAL.—~~The Secretary of Homeland Secu-
12 rity shall, to the extent practicable—

13 (1) maintain an inventory of those Department
14 of Homeland Security facilities that the Department
15 certifies to house classified infrastructure or systems
16 at the secret level and above;

17 (2) update such inventory on a regular basis;
18 and

19 ~~(3) share part or all of such inventory with—~~

20 (A) Department personnel who have been
21 granted the appropriate security clearance;

22 (B) non-Federal governmental personnel
23 who have been granted a Top Secret security
24 clearance; and

1 (C) other personnel as determined appro-
2 priate by the Secretary.

3 (b) **INVENTORY.**—The inventory of facilities de-
4 scribed in subsection (a) may include—

5 (1) the location of such facilities;

6 (2) the attributes of such facilities (including
7 the square footage of, the total capacity of, the num-
8 ber of workstations in, and the number of conference
9 rooms in, such facilities);

10 (3) the entities that operate such facilities; and

11 (4) the date of establishment of such facilities.

12 **SEC. 1316. TERROR INMATE INFORMATION SHARING.**

13 (a) **IN GENERAL.**—The Secretary of Homeland Secu-
14 rity, in coordination with the Attorney General and in con-
15 sultation with other appropriate Federal officials, shall, as
16 appropriate, share with State, local, and regional fusion
17 centers through the Department of Homeland Security
18 Fusion Center Partnership Initiative under section 210A
19 of the Homeland Security Act of 2002 (6 U.S.C. 124h),
20 as amended by this Act, as well as other relevant law en-
21 forcement entities, release information from a Federal cor-
22 rectional facility, including the name, charging date, and
23 expected place and date of release, of certain individuals
24 who may pose a terrorist threat.

1 (b) SCOPE.—The information shared pursuant to
2 subsection (a) shall be—

3 (1) for homeland security purposes; and

4 (2) regarding individuals convicted of a Federal
5 crime of terrorism (as such term is defined in sec-
6 tion 2332b of title 18, United States Code).

7 (c) PERIODIC THREAT ASSESSMENTS.—Consistent
8 with the protection of classified information and controlled
9 unclassified information, the Secretary of Homeland Secu-
10 rity shall coordinate with appropriate Federal officials to
11 provide State, local, and regional fusion centers described
12 in subsection (a) with periodic assessments regarding the
13 overall threat from known or suspected terrorists currently
14 incarcerated in a Federal correctional facility, including
15 the assessed risks of such populations engaging in ter-
16 rorist activity upon release.

17 (d) PRIVACY PROTECTIONS.—Prior to affecting the
18 information sharing described in subsection (a), the Sec-
19 retary shall receive input and advice from the Officer for
20 Civil Rights and Civil Liberties, the Officer for Privacy
21 and the Chief Intelligence Officer of the Department.

22 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion may be construed as requiring the establishment of
24 a list or registry of individuals convicted of terrorism.

1 **SEC. 1317. ANNUAL REPORT ON OFFICE FOR STATE AND**
2 **LOCAL LAW ENFORCEMENT.**

3 Subsection (b) of section 2006 of the Homeland Se-
4 curity Act of 2002 (6 U.S.C. 607) is amended—

5 (1) by redesignating paragraph (5) as para-
6 graph (6); and

7 (2) by inserting after paragraph (4) the fol-
8 lowing new paragraph:

9 “(5) ANNUAL REPORT.—For each of fiscal
10 years 2018 through 2022, the Assistant Secretary
11 for State and Local Law Enforcement shall submit
12 to the Committee on Homeland Security of the
13 House of Representatives and the Committee on
14 Homeland Security and Governmental Affairs of the
15 Senate a report on the activities of the Office for
16 State and Local Law Enforcement. Each such re-
17 port shall include, for the fiscal year covered by the
18 report, a description of each of the following:

19 “(A) Efforts to coordinate and share infor-
20 mation regarding Department and component
21 agency programs with State, local, and tribal
22 law enforcement agencies.

23 “(B) Efforts to improve information shar-
24 ing through the Homeland Security Information
25 Network by appropriate component agencies of

1 the Department and by State, local, and tribal
2 law enforcement agencies.

3 “(C) The status of performance metrics
4 within the Office of State and Local Law En-
5 forcement to evaluate the effectiveness of ef-
6 forts to carry out responsibilities set forth with-
7 in the subsection.

8 “(D) Any feedback from State, local, and
9 tribal law enforcement agencies about the Of-
10 fice, including the mechanisms utilized to collect
11 such feedback.

12 “(E) Efforts to carry out all other respon-
13 sibilities of the Office of State and Local Law
14 Enforcement.”.

15 **SEC. 1318. ANNUAL CATALOG ON DEPARTMENT OF HOME-**
16 **LAND SECURITY TRAINING, PUBLICATIONS,**
17 **PROGRAMS, AND SERVICES FOR STATE,**
18 **LOCAL, AND TRIBAL LAW ENFORCEMENT**
19 **AGENCIES.**

20 Paragraph (4) of section 2006(b) of the Homeland
21 Security Act of 2002 (6 U.S.C. 607(b)) is amended—

22 (1) in subparagraph (E), by striking “and” at
23 the end;

24 (2) in subparagraph (F), by striking the period
25 and inserting a semicolon; and

1 (2) by adding at the end the following new sub-
2 paragraphs:

3 “(G) produce an annual catalog that sum-
4 marizes opportunities for training, publications,
5 programs, and services available to State, local,
6 and tribal law enforcement agencies from the
7 Department and from each component and of-
8 fice within the Department and, not later than
9 30 days after the date of such production, dis-
10 seminate the catalog, including by—

11 “(i) making such catalog available to
12 State, local, and tribal law enforcement
13 agencies, including by posting the catalog
14 on the website of the Department and co-
15 operating with national organizations that
16 represent such agencies;

17 “(ii) making such catalog available
18 through the Homeland Security Informa-
19 tion Network; and

20 “(iii) submitting such catalog to the
21 Committee on Homeland Security of the
22 House of Representatives and the Com-
23 mittee on Homeland Security and Govern-
24 mental Affairs of the Senate; and

1 “(H) in coordination with appropriate com-
2 ponents and offices of the Department and
3 other Federal agencies, develop, maintain, and
4 make available information on Federal re-
5 sources intended to support fusion center access
6 to Federal information and resources.”.

7 **TITLE IV—MARITIME SECURITY**

8 **SEC. 1401. STRATEGIC PLAN TO ENHANCE THE SECURITY** 9 **OF THE INTERNATIONAL SUPPLY CHAIN.**

10 Paragraph (2) of section 201(g) of the Security and
11 Accountability for Every Port Act of 2006 (6 U.S.C.
12 941(g)) is amended to read as follows:

13 “(2) **UPDATES.**—Not later than 270 days after
14 the date of the enactment of this paragraph and
15 every three years thereafter, the Secretary shall sub-
16 mit to the appropriate congressional committees a
17 report that contains an update of the strategic plan
18 required by subsection (a).”.

19 **SEC. 1402. CONTAINER SECURITY INITIATIVE.**

20 Subsection (1) of section 205 of the Security and Ac-
21 countability for Every Port Act of 2006 (6 U.S.C. 945)
22 is amended—

23 (1) by striking “(1) **IN GENERAL.**—Not later
24 than September 30, 2007,” and inserting “Not later
25 than 270 days after the date of the enactment of the

1 Border and Maritime Security Coordination Im-
2 provement Act,”;

3 (2) by redesignating subparagraphs (A) through
4 (H) as paragraphs (1) through (8), respectively, and
5 by moving the margins of such paragraphs (as so re-
6 designated) two ems to the left; and

7 (3) by striking paragraph (2).

8 **SEC. 1403. CYBER AT PORTS.**

9 (a) **CYBERSECURITY ENHANCEMENTS TO MARITIME**
10 **SECURITY ACTIVITIES.**—Subparagraph (B) of section
11 70112(a)(2) of title 46, United States Code, is amended—

12 (1) by redesignating clauses (i) through (iii) as
13 clauses (ii) and (iv), respectively; and

14 (2) by inserting before clause (ii) the following
15 new clause:

16 “(i) shall facilitate the sharing of information
17 relating to cybersecurity risks and incidents (as such
18 terms are defined in section 227 of the Homeland
19 Security Act of 2002 (6 U.S.C. 148)) to address
20 port-specific cybersecurity risks and incidents, which
21 may include the establishment of a working group of
22 members of such committees to address such port-
23 specific cybersecurity risks and incidents;”.

24 (b) **VULNERABILITY ASSESSMENTS AND SECURITY**
25 **PLANS.**—Title 46, United States Code, is amended—

1 (1) in subparagraph (C) of section 70102(b)(1),
2 by inserting “cybersecurity,” after “physical secu-
3 rity,”; and

4 (2) in subparagraph (C) of section
5 70103(e)(3)—

6 (A) in clause (i), by inserting “cybersecu-
7 rity,” after “physical security,”;

8 (B) in clause (iv), by striking “and” after
9 the semicolon at the end;

10 (C) by redesignating clause (v) as clause
11 (vi); and

12 (D) by inserting after clause (iv) the fol-
13 lowing new clause:

14 “(v) prevention, management, and response to cyber-
15 security risks and incidents (as such terms are defined in
16 section 227 of the Homeland Security Act of 2002 (6
17 U.S.C. 148)); and”.

18 **SEC. 1404. FACILITY INSPECTION INTERVALS.**

19 Subparagraph (D) of section 70103(e)(4) of title 46,
20 United States Code, is amended to read as follows:

21 “(D) subject to the availability of appro-
22 priations, verify the effectiveness of each such
23 facility security plan periodically, but not less
24 than one time per year without notice, and
25 more frequently as determined necessary, in a

1 risk based manner, with or without notice to
2 the facility.”.

3 **SEC. 1405. UPDATES OF MARITIME OPERATIONS COORDI-**
4 **NATION PLAN.**

5 (a) IN GENERAL.—Subtitle C of title IV of the
6 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.)
7 is amended by adding at the end the following new section:

8 **“SEC. 434. UPDATES OF MARITIME OPERATIONS COORDI-**
9 **NATION PLAN.**

10 “Not later than 180 days after the date of the enact-
11 ment of this section and biennially thereafter, the Sec-
12 retary shall submit to the Committee on Homeland Secu-
13 rity and the Committee on Transportation and Infrastruc-
14 ture of the House of Representatives and the Committee
15 on Homeland Security and Governmental Affairs of the
16 Senate a maritime operations coordination plan for the co-
17 ordination and cooperation of maritime operations under-
18 taken by components and offices of the Department with
19 responsibility for maritime security missions. Such plan
20 shall update the maritime operations coordination plan re-
21 leased by the Department in July 2011, and shall address
22 the following:

23 “(1) Coordination of planning, integration of
24 maritime operations, and development of joint mari-
25 time domain awareness efforts of any component or

1 office of the Department with responsibility for mar-
2 itime homeland security missions.

3 “(2) Maintaining effective information sharing
4 and, as appropriate, intelligence integration, with
5 Federal, State, and local officials and the private
6 sector, regarding threats to maritime security.

7 “(3) Cooperation and coordination with other
8 departments and agencies of the Federal Govern-
9 ment, and State and local agencies, in the maritime
10 environment, in support of maritime homeland secu-
11 rity missions.

12 “(4) Work conducted within the context of
13 other national and Department maritime security
14 strategic guidance.”.

15 (b) CLERICAL AMENDMENT.—The table of contents
16 in section 1(b) of the Homeland Security Act of 2002 is
17 amended by adding after the item relating to section 433
18 the following new item:

“Sec. 434. Updates of maritime operations coordination plan.”.

19 **SEC. 1406. EVALUATION OF COAST GUARD DEPLOYABLE**
20 **SPECIALIZED FORCES.**

21 (a) IN GENERAL.—Not later than one year after the
22 date of the enactment of this Act, the Comptroller General
23 of the United States shall submit to the Committee on
24 Homeland Security and the Committee on Transportation
25 and Infrastructure of the House of Representatives and

1 the Committee on Homeland Security and Governmental
2 Affairs and the Committee on Commerce, Science, and
3 Transportation of the Senate a report that describes and
4 assesses the state of the Coast Guard's Deployable Spe-
5 cialized Forces (in this section referred to as the "DSF").
6 Such report shall include, at a minimum, the following ele-
7 ments:

8 (1) For each of the past three fiscal years, and
9 for each type of DSF, the following:

10 (A) A cost analysis, including training, op-
11 erating, and travel costs.

12 (B) The number of personnel assigned.

13 (C) The total number of units.

14 (D) The total number of operations con-
15 ducted.

16 (E) The number of operations requested by
17 each of the following:

18 (i) The Coast Guard.

19 (ii) Other components or offices of the
20 Department of Homeland Security.

21 (iii) Other Federal departments or
22 agencies.

23 (iv) State agencies.

24 (v) Local agencies.

1 (F) The number of operations fulfilled by
2 the entities specified in subparagraph (E).

3 (2) An examination of alternative distributions
4 of DSFs, including the feasibility, cost (including
5 cost savings), and impact on mission capability of
6 such distributions, including at a minimum the fol-
7 lowing:

8 (A) Combining DSFs, primarily focused on
9 counterdrug operations, under one centralized
10 command.

11 (B) Distributing counter-terrorism and
12 anti-terrorism capabilities to DSFs in each
13 major United States port.

14 (b) DEPLOYABLE SPECIALIZED FORCE DEFINED.—

15 In this section, the term “Deployable Specialized Force”
16 means a unit of the Coast Guard that serves as a quick
17 reaction force designed to be deployed to handle counter-
18 drug, counter-terrorism, and anti-terrorism operations or
19 other maritime threats to the United States.

20 **SEC. 1407. COST BENEFIT ANALYSIS OF CO-LOCATING DHS**
21 **ASSETS.**

22 (a) IN GENERAL.—For any location in which U.S.
23 Customs and Border Protection’s Office of Air and Marine
24 Operations is based within 45 miles of locations where any
25 other Department of Homeland Security agency also oper-

1 ates air and marine assets, the Secretary of Homeland Se-
2 curity shall conduct a cost-benefit analysis to consider the
3 potential cost of and savings derived from co-locating avia-
4 tion and maritime operational assets of the Office of Air
5 and Marine Operations at facilities where other agencies
6 of the Department operate such assets. In analyzing such
7 potential cost savings achieved by sharing aviation and
8 maritime facilities, such analysis shall consider, at a min-
9 imum, the following factors:

10 (1) Potential enhanced cooperation derived
11 from Department personnel being co-located.

12 (2) Potential costs of, and savings derived
13 through, shared maintenance and logistics facilities
14 and activities.

15 (3) Joint use of base and facility infrastructure,
16 such as runways, hangars, control towers, operations
17 centers, piers and docks, boathouses, and fuel de-
18 pots.

19 (4) Potential operational costs of co-locating
20 aviation and maritime assets and personnel.

21 (5) Short term moving costs required in order
22 to co-locate facilities.

23 (6) Acquisition and infrastructure costs for en-
24 larging current facilities, as needed.

1 (b) REPORT.—Not later than one year after the date
2 of the enactment of this Act, the Secretary of Homeland
3 Security shall submit to the Committee on Homeland Se-
4 curity and the Committee on Transportation and Infra-
5 structure of the House of Representatives and the Com-
6 mittee on Homeland Security and Governmental Affairs
7 of the Senate a report summarizing the results of the cost-
8 benefit analysis required under subsection (a) and any
9 planned actions based upon such results.

10 **SEC. 1408. REPEAL OF INTERAGENCY OPERATIONAL CEN-**
11 **TERS FOR PORT SECURITY AND SECURE SYS-**
12 **TEMS OF TRANSPORTATION.**

13 Sections 70107A and 70116 of title 46, United
14 States Code, are repealed.

15 **SEC. 1409. MARITIME SECURITY CAPABILITIES ASSESS-**
16 **MENTS.**

17 (a) IN GENERAL.—Subtitle C of title IV of the
18 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.),
19 as amended by this Act, is further amended by adding
20 at the end the following new section:

21 **“SEC. 435. MARITIME SECURITY CAPABILITIES ASSESS-**
22 **MENTS.**

23 “Not later than 180 days after the date of the enact-
24 ment of this section and annually thereafter, the Secretary
25 shall submit to the Committee on Homeland Security of

1 the House of Representatives and the Committee on
2 Homeland Security and Governmental Affairs of the Sen-
3 ate an assessment of the number and type of maritime
4 assets and the number of personnel required to increase
5 the Department's maritime response rate pursuant to sec-
6 tion 1092 of the National Defense Authorization Act for
7 Fiscal Year 2017 (6 U.S.C. 223; Public Law 114-328).”.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 in section 1(b) of the Homeland Security Act of 2002, as
10 amended by this Act, is further amended by inserting after
11 the item relating to section 434 the following new item:
“Sec. 435. Maritime security capabilities assessments.”.

12 **SEC. 1410. CONFORMING AND CLERICAL AMENDMENTS.**

13 (a) SECTIONS.—The following provisions of the Secu-
14 rity and Accountability for Every Port Act of 2006 (Public
15 Law 109-347) are amended as follows:

16 (1) By striking section 105.

17 (2) By redesignating sections 106 and 107 as
18 sections 105 and 106, respectively.

19 (3) By striking section 108.

20 (4) By redesignating sections 109 and 110 as
21 sections 107 and 108, respectively.

22 (5) In section 121 (6 U.S.C. 921)—

23 (A) by striking subsections (c), (d), and
24 (e); and

1 (B) redesignating subsections (f), (g), (h),
2 and (i) as subsections (e), (d), (c), and (b), re-
3 spectively.

4 (6) By striking sections 122 and 127 (6 U.S.C.
5 922 and).

6 (7) By redesignating sections 123, 124, 125,
7 126, and 128 as sections 122, 123, 124, 125, and
8 126, respectively.

9 (8) In section 233 (6 U.S.C. 983), by striking
10 subsection (c).

11 (9) By striking section 235 (6 U.S.C. 984).

12 (10) By redesignating section 236 as section
13 235.

14 (11) By striking sections 701 and 708 (and the
15 item relating to such section in the table of contents
16 of such Act).

17 (12) By redesignating sections 702, 703, 704,
18 705, 706, 707, and 709 as sections 701, 702, 703,
19 704, 705, 706, and 707, respectively.

20 (b) TABLE OF CONTENTS.—

21 (1) SECURITY AND ACCOUNTABILITY FOR
22 EVERY PORT ACT OF 2006.—The table of contents of
23 the Security and Accountability for Every Port Act
24 of 2006 (Public Law 109–347) is amended as fol-
25 lows:

1 (A) In the list of items relating to subtitle
 2 A of title I, by striking the items relating to
 3 sections ~~105~~ through ~~110~~ and inserting the fol-
 4 lowing new items:

“Sec. ~~105~~. Prohibition of issuance of transportation security cards to persons convicted of certain felonies.

“Sec. ~~106~~. Long-range vessel tracking.

“Sec. ~~107~~. Notice of arrival for foreign vessels on the Outer Continental Shelf.

“Sec. ~~108~~. Enhanced crewmember identification.”.

5 (B) In the list of items relating to subtitle
 6 C of title I, by striking the items relating to
 7 sections ~~122~~ through ~~128~~ and inserting the fol-
 8 lowing new items:

“Sec. ~~122~~. Random searches of containers.

“Sec. ~~123~~. Work stoppages and employee-employer disputes.

“Sec. ~~124~~. Threat assessment screening of port truck drivers.

“Sec. ~~125~~. Border Patrol unit for United States Virgin Islands.

“Sec. ~~126~~. Center of Excellence for Maritime Domain Awareness.”.

9 (C) In the list of items relating to subtitle
 10 C of title II, by striking the items relating to
 11 sections ~~235~~ and ~~236~~ and inserting the fol-
 12 lowing new item:

“Sec. ~~235~~. Information sharing relating to supply chain security cooperation.”.

13 (D) In the list of items relating to title
 14 VII, by striking the items relating to sections
 15 ~~701~~ through ~~709~~ and inserting the following
 16 new items:

“Sec. ~~701~~. Disclosures regarding homeland security grants.

“Sec. ~~702~~. Trucking security.

“Sec. ~~703~~. Air and Marine Operations of the Northern Border Air Wing.

“Sec. ~~704~~. Phaseout of vessels supporting oil and gas development.

“Sec. ~~705~~. Coast Guard property in Portland, Maine.

“Sec. ~~706~~. Methamphetamine and methamphetamine precursor chemicals.

“Sec. ~~707~~. Protection of health and safety during disasters.”.

1 (2) ~~TITLE 46.~~—In the list of items relating to
2 the analysis for chapter 701 of title 46, United
3 States Code, by striking the items relating to sec-
4 tions 70107A and 70116.

5 **TITLE V—TRANSPORTATION**
6 **SECURITY ADMINISTRATION**

7 **Subtitle A—Administration**

8 **SEC. 1501. AMENDMENTS TO THE HOMELAND SECURITY**
9 **ACT OF 2002 AND TITLE 5, UNITED STATES**
10 **CODE.**

11 (a) ~~HOMELAND SECURITY ACT OF 2002.~~—Para-
12 graph (1) of section 103(a) of the Homeland Security Act
13 of 2002, as amended by this Act, is further amended by
14 adding at the end the following new subparagraph:

15 “(K) An Administrator of the Transpor-
16 tation Security Administration, in accordance
17 with section 114 of title 49, United States
18 Code.”.

19 (b) ~~INCLUSION IN EXECUTIVE SCHEDULE.~~—Section
20 5315 of title 5, United States Code, is amended by adding
21 at the end the following:

22 “Administrator of the Transportation Security Ad-
23 ministration, Department of Homeland Security.”.

1 **SEC. 1502. AMENDMENTS TO TITLE 49, UNITED STATES**
2 **CODE.**

3 (a) AMENDMENTS.—Section 114 of title 49, United
4 States Code, is amended—

5 (1) in subsection (a), by striking “Department
6 of Transportation” and inserting “Department of
7 Homeland Security”;

8 (2) in subsection (b)(1), by striking “Under
9 Secretary of Transportation for Security” and in-
10 serting “Administrator of the Transportation Secu-
11 rity Administration”;

12 (3) by striking “Under Secretary” each place it
13 appears and inserting “Administrator”;

14 (4) in subsection (b), in the heading, by strik-
15 ing “UNDER SECRETARY” and inserting “ADMINIS-
16 TRATOR”;

17 (5) in subsection (e)(4), by striking “Secretary
18 of Transportation” and inserting “Secretary of
19 Homeland Security”;

20 (6) in subsection (f)—

21 (A) in paragraph (6), by striking “Man-
22 agers” and inserting “Directors”; and

23 (B) in paragraph (14), by inserting “air
24 carriers or” before “foreign air carriers”;

25 (7) in subsection (g)—

1 (A) by striking “the Secretary” each place
2 it appears and inserting “the Secretary of
3 Homeland Security”; and

4 (B) in paragraph (3), by striking “The
5 Secretary” and inserting “The Secretary of
6 Homeland Security”;

7 (8) in subsection (j)(1)(D), by striking “the
8 Secretary” and inserting “the Secretary of Home-
9 land Security”;

10 (9) in subsection (l)—

11 (A) in paragraph (2)(A), by striking “the
12 Secretary” and inserting “the Secretary of
13 Homeland Security”; and

14 (B) in paragraph (4)(B), by striking “the
15 Administrator under subparagraph (A)” and in-
16 serting “the Administrator of the Federal Avia-
17 tion Administration under subparagraph (A)”;

18 (10) in subsection (m)—

19 (A) in the heading, by striking “UNDER
20 SECRETARY” and inserting “ADMINISTRATOR”;
21 and

22 (B) in paragraph (1), in the heading, by
23 striking “UNDER SECRETARY” and inserting
24 “ADMINISTRATOR”;

1 (11) in subsection (n), by striking “Department
2 of Transportation” and inserting “Department of
3 Homeland Security”;

4 (12) in subsection (o), by striking “Department
5 of Transportation” and inserting “Department of
6 Homeland Security”;

7 (13) in subsection (p)(4), by striking “Sec-
8 retary of Transportation” and inserting “Secretary
9 of Homeland Security”;

10 (14) by redesignating subsections (u), (v), and
11 (w) as subsections (t), (ee), and (dd), respectively;
12 and

13 (15) by inserting after subsection (t), as so re-
14 designated, the following new subsections:

15 “(u) DEPUTY ADMINISTRATOR.—There is established
16 in the Transportation Security Administration a Deputy
17 Administrator, who shall assist the Administrator in the
18 management of the Transportation Security Administra-
19 tion.

20 “(v) OFFICE OF PUBLIC AFFAIRS.—

21 “(1) ESTABLISHMENT.—There is established in
22 the Transportation Security Administration an Of-
23 fice of Public Affairs (in this subsection referred to
24 as the ‘Office’).

1 “(2) ASSISTANT ADMINISTRATOR.—The head of
2 the Office shall be the Assistant Administrator for
3 Public Affairs, who shall report to the Administrator
4 of the Transportation Security Administration or the
5 Administrator’s designee.

6 “(3) FUNCTIONS.—The Office shall be respon-
7 sible for facilitating understanding of the Transpor-
8 tation Security Administration’s mission by commu-
9 nicating with internal and external audiences in a
10 timely, accurate, and transparent manner.

11 “(w) OFFICE OF CIVIL RIGHTS AND LIBERTIES, OM-
12 BUDSMAN, AND TRAVELER ENGAGEMENT.—

13 “(1) ESTABLISHMENT.—There is established in
14 the Transportation Security Administration an Of-
15 fice of Civil Rights and Liberties, Ombudsman, and
16 Traveler Engagement (in this subsection referred to
17 as the ‘Office’).

18 “(2) ASSISTANT ADMINISTRATOR.—The head of
19 the Office shall be the Assistant Administrator for
20 Civil Rights and Liberties, Ombudsman, and Trav-
21 eler Engagement, who shall report to the Adminis-
22 trator of the Transportation Security Administration
23 or the Administrator’s designee.

24 “(3) FUNCTIONS.—The Office shall be respon-
25 sible for managing allegations of violations of civil

1 rights and civil liberties from the public, carrying
2 out the Administration's equal employment oppor-
3 tunity and diversity policies and programs, including
4 complaint management and adjudication, and help-
5 ing to ensure that employees and the traveling pub-
6 lic are treated in a fair and lawful manner.

7 “(x) OFFICE OF LEGISLATIVE AFFAIRS.—

8 “(1) ESTABLISHMENT.—There is established in
9 the Transportation Security Administration an Of-
10 fice of Legislative Affairs (in this subsection referred
11 to as the ‘Office’).

12 “(2) ASSISTANT ADMINISTRATOR.—The head of
13 the Office shall be the Assistant Administrator for
14 Legislative Affairs, who shall report to the Adminis-
15 trator of the Transportation Security Administration
16 or the Administrator's designee.

17 “(3) FUNCTIONS.—The Office shall be respon-
18 sible for developing and implementing strategies
19 within the Transportation Security Administration
20 to achieve congressional approval or authorization of
21 the Administration's programs and policies.

22 “(y) OFFICE OF FINANCE AND ADMINISTRATION.—

23 “(1) ESTABLISHMENT.—There is established in
24 the Transportation Security Administration an Of-

1 office of Finance and Administration (in this sub-
2 section referred to as the ‘Office’).

3 “(2) CHIEF FINANCIAL OFFICER.—The head of
4 the Office shall be the Chief Financial Officer, who
5 shall report to the Administrator of the Transpor-
6 tation Security Administration or the Administra-
7 tor’s designee.

8 “(3) FUNCTIONS.—The Office shall be respon-
9 sible for financial, budgetary, and administrative ac-
10 tivities that support the mission of the Transpor-
11 tation Security Administration.

12 “(z) OFFICE OF THE CHIEF OF OPERATIONS.—

13 “(1) ESTABLISHMENT.—There is established in
14 the Transportation Security Administration an Of-
15 fice of the Chief of Operations (in this subsection re-
16 ferred to as the ‘Office’).

17 “(2) CHIEF OF OPERATIONS.—The head of the
18 Office shall be the Chief of Operations, who shall re-
19 port to the Administrator of the Transportation Se-
20 curity Administration or the Administrator’s des-
21 ignee.

22 “(3) FUNCTIONS.—The Office shall be respon-
23 sible for the following:

24 “(A) Conducting protection, response, de-
25 tection, assessment, and investigation activities

1 in airports and other transportation facilities
2 and deploying Federal Air Marshals on United
3 States aircraft traveling domestically and inter-
4 nationally.

5 “(B) Identifying, analyzing, and mitigating
6 risk by assessing vulnerabilities at international
7 locations to determine risk, evaluating risk im-
8 pacts to determine mitigation activities, and
9 executing mitigation activities to reduce risk to
10 the United States.

11 “(C) Providing security and intelligence
12 professionals with timely information in order
13 to prevent a terrorist attack against the trans-
14 portation systems of the United States.

15 “(D) Developing security policies and plans
16 that reduce the risk of catastrophic terrorist at-
17 tacks.

18 “(E) Providing risk-based, adaptive secu-
19 rity that includes airport checkpoint and bag-
20 gage screening operations, regulatory compli-
21 ance, cargo inspections, and other specialized
22 programs designed to secure transportation.

23 “(F) Safeguarding the transportation sys-
24 tems of the United States through the qualifica-

1 tion and delivery of innovative security capabili-
2 ties.

3 “(aa) OFFICE OF THE CHIEF OF MISSION SUP-
4 PORT.—

5 “(1) ESTABLISHMENT.—There is established in
6 the Transportation Security Administration an Of-
7 fice of the Chief of Mission Support (in this sub-
8 section referred to as the ‘Office’).

9 “(2) CHIEF OF MISSION SUPPORT.—The head
10 of the Office shall be the Chief of Mission Support,
11 who shall report to the Administrator of the Trans-
12 portation Security Administration or the Adminis-
13 trator’s designee.

14 “(3) FUNCTIONS.—The Office shall be respon-
15 sible for the following:

16 “(A) Negotiating and awarding contracts
17 and other procurement vehicles that improve
18 the Transportation Security Administration’s
19 capabilities.

20 “(B) Providing strategic, sustainable, and
21 comprehensive programs and services that at-
22 tract, build, and inspire a talented workforce.

23 “(C) Overseeing the development, delivery,
24 and evaluation of training programs for Trans-
25 portation Security Administration employees.

1 “(D) Providing information technologies
2 and services that enable global transportation
3 security.

4 “(E) Ensuring the integrity, efficiency,
5 and effectiveness of the Transportation Security
6 Administration’s workforce, operations, and
7 programs through objective audits, covert test-
8 ing, inspections, and criminal investigations.

9 “(F) Ensuring consistency in misconduct
10 penalty determinations and an expeditious and
11 fair adjudication process.

12 “(G) Building the Transportation Security
13 Administration’s capabilities by managing the
14 acquisition, testing, deployment, and
15 sustainment of security technology and other
16 acquisition programs.

17 “(bb) OFFICE OF THE CHIEF COUNSEL.—

18 “(1) ESTABLISHMENT.—There is established in
19 the Transportation Security Administration an Of-
20 fice of the Chief Counsel (in this subsection referred
21 to as the ‘Office’).

22 “(2) CHIEF COUNSEL.—The head of the Office
23 shall be the Chief Counsel for the Transportation
24 Security Administration, who shall report to the

1 General Counsel of the Department of Homeland
2 Security.

3 ~~“(3) FUNCTIONS.—~~The Office shall be respon-
4 sible for providing legal advice and services across
5 the Transportation Security Administration.”.

6 (b) SECTION 115.—Subsection (c) of section 115 of
7 title 49, United States Code, is amended—

8 (1) in paragraph (1), by striking “Under Sec-
9 retary of Transportation for security” and inserting
10 “Administrator of the Transportation Security Ad-
11 ministration”; and

12 (2) in paragraph (6), by striking “Under Sec-
13 retary” and inserting “Administrator of the Trans-
14 portation Security Administration”.

15 (c) SECTION 40119.—Section 40119 of title 49,
16 United States Code, is amended—

17 (1) in subsection (a), by striking “Under Sec-
18 retary of Transportation for Security” and inserting
19 “Administrator of the Transportation Security Ad-
20 ministration”;

21 (2) in subsection (b)(4)—

22 (A) by inserting “of the Federal Aviation
23 Administration” after “Administrator”; and

24 (B) by inserting “Federal Aviation” before
25 “Administration”; and

1 (3) in subsection (c), by striking “Under Sec-
2 retary” and inserting “Administrator of the Trans-
3 portation Security Administration”.

4 (d) SECTION 44901.—Section 44901 of title 49,
5 United States Code, is amended—

6 (1) by striking “Under Secretary of Transpor-
7 tation for Security” each place it appears and insert-
8 ing “Administrator of the Transportation Security
9 Administration”;

10 (2) by striking “Under Secretary” each place it
11 appears and inserting “Administrator of the Trans-
12 portation Security Administration”;

13 (3) by striking “Assistant Secretary (Transpor-
14 tation Security Administration)” each place it ap-
15 pears and inserting “Administrator of the Transpor-
16 tation Security Administration”;

17 (4) by striking “Assistant Secretary” each place
18 it appears and inserting “Administrator of the
19 Transportation Security Administration”; and

20 (5) in subsection (d), by striking “Senate Com-
21 mittee on Commerce, Science, and Transportation
22 and the House of Representatives Committee on
23 Transportation” each place it appears and inserting
24 “the Committee on Commerce, Science, and Trans-
25 portation and the Committee on Homeland Security

1 and Governmental Affairs of the Senate and the
2 Committee on Transportation and Infrastructure
3 and the Committee on Homeland Security of the
4 House of Representatives”.

5 (e) SECTION 44902.—Section 44902 of title 49,
6 United States Code, is amended—

7 (1) in subsection (a), by striking “Under Sec-
8 retary of Transportation for Security” and inserting
9 “Administrator of the Transportation Security Ad-
10 ministration”; and

11 (2) in subsection (b), by striking “Under Sec-
12 retary” and inserting “Administrator of the Trans-
13 portation Security Administration”.

14 (f) SECTION 44903.—Section 44903 of title 49,
15 United States Code, is amended—

16 (1) in subsection (b)(1), by inserting “the Sec-
17 retary of Homeland Security,” before “the Secretary
18 of Transportation”;

19 (2) in subsection (c)(2)(C), by striking “Sec-
20 retary of Transportation” and inserting “Secretary
21 of Homeland Security”;

22 (3) in subsection (d), in the matter preceding
23 paragraph (1), by striking “Secretary of Transpor-
24 tation” and inserting “Secretary of Homeland Secu-
25 rity”;

1 (4) in subsection (g)—

2 (A) in paragraph (1)(A), in the heading,
3 by striking “UNDER SECRETARY” and inserting
4 “ADMINISTRATOR”; and

5 (B) in paragraph (2), by striking “Under
6 Secretary’s” each place it appears and inserting
7 “Transportation Security Administration Ad-
8 ministrator’s”;

9 (5) in subsection (h)—

10 (A) in paragraph (3), by inserting “of
11 Homeland Security” after “Secretary”;

12 (B) in paragraph (6)(C), in the matter
13 preceding clause (i), by inserting “of Homeland
14 Security” after “Secretary”;

15 (6) in subsection (i)(1), by striking “; after re-
16 ceiving the recommendations of the National Insti-
17 tute of Justice”;

18 (7) in subsection (j)—

19 (A) in paragraph (1)—

20 (i) in the matter preceding subpara-
21 graph (A), by striking “Under Secretary
22 for Transportation Security” and inserting
23 “Administrator of the Transportation Se-
24 curity Administration”; and

1 (ii) in the matter following subpara-
2 graph (E), by striking “Secretary of
3 Transportation” and inserting “Secretary
4 of Homeland Security”; and

5 (B) in paragraph (2), by striking “Sec-
6 retary of Transportation” each place it appears
7 and inserting “Secretary of Homeland Secu-
8 rity”;

9 (8) in subsection (1)(1), by striking “Under Sec-
10 retary for Border and Transportation Security of
11 the Department of Homeland Security” and insert-
12 ing “Administrator of the Transportation Security
13 Administration”;

14 (9) by striking “Under Secretary of Transpor-
15 tation for Security” each place it appears and insert-
16 ing “Administrator of the Transportation Security
17 Administration”;

18 (10) by striking “Under Secretary” each place
19 it appears and inserting “Administrator of the
20 Transportation Security Administration”;

21 (11) by striking “Assistant Secretary of Home-
22 land Security (Transportation Security Administra-
23 tion)” each place it appears and inserting “Adminis-
24 trator of the Transportation Security Administra-
25 tion”; and

1 (12) by striking “Assistant Secretary” each
2 place it appears and inserting “Administrator of the
3 Transportation Security Administration”.

4 (g) SECTION 44904.—Section 44904 of title 49,
5 United States Code, is amended—

6 (1) in subsection (a), by striking “Under Sec-
7 retary of Transportation for Security” and inserting
8 “Administrator of the Transportation Security Ad-
9 ministration”;

10 (2) by striking “Under Secretary” each place it
11 appears and inserting “Administrator of the Trans-
12 portation Security Administration”; and

13 (3) in subsection (d) by striking “Assistant Sec-
14 retary of Homeland Security (Transportation Secu-
15 rity Administration)” and inserting “Administrator
16 of the Transportation Security Administration”.

17 (h) SECTION 44905.—Section 44905 of title 49,
18 United States Code, is amended—

19 (1) in subsection (a), by striking “Secretary of
20 Transportation” and inserting “Secretary of Home-
21 land Security”;

22 (2) in subsection (b), by striking “Under Sec-
23 retary of Transportation for Security” and inserting
24 “Administrator of the Transportation Security Ad-
25 ministration”; and

1 (3) by striking “Under Secretary” each place it
2 appears and inserting “Administrator of the Trans-
3 portation Security Administration”.

4 (i) SECTION 44906.—Section 44906 of title 49,
5 United States Code, is amended—

6 (1) by striking “Under Secretary of Transpor-
7 tation for Security” and inserting “Administrator of
8 the Transportation Security Administration”; and

9 (2) by striking “Under Secretary” each place it
10 appears and inserting “Administrator”.

11 (j) SECTION 44908.—Section 44908 of title 49,
12 United States Code, is amended by striking “Secretary of
13 Transportation” each place it appears and inserting “Sec-
14 retary of Homeland Security”.

15 (k) SECTION 44909.—Section 44909 of title 49,
16 United States Code, is amended—

17 (1) by striking “Under Secretary” each place it
18 appears and inserting “Administrator of the Trans-
19 portation Security Administration”; and

20 (2) by striking “the Customs Service” each
21 place it appears and inserting “U.S. Customs and
22 Border Protection”.

23 (l) SECTION 44911.—Section 44911 of title 49,
24 United States Code, is amended—

25 (1) in subsection (a)—

1 (A) in paragraphs (1) through (10), by
2 striking “the” each place it appears and insert-
3 ing “The”; and

4 (B) by inserting the following at the end
5 the following new paragraphs:

6 “(11) The Coast Guard.

7 “(12) The Department of Homeland Security.

8 “(13) The National Geospatial-Intelligence
9 Agency.

10 “(14) The National Reconnaissance Office.”;

11 (2) in subsection (b)—

12 (A) by striking “Secretary of Transpor-
13 tation” and inserting “Secretary of Homeland
14 Security”; and

15 (B) by striking “Under Secretary of
16 Transportation for Security” and inserting
17 “Administrator of the Transportation Security
18 Administration”;

19 (3) in subsection (d), by striking “the Sec-
20 retary” and inserting “the Secretary of Homeland
21 Security”; and

22 (4) in subsection (e)—

23 (A) by striking “the Secretary” and insert-
24 ing “the Secretary of Homeland Security”; and

1 (B) by striking “Under Secretary” each
2 place it appears and inserting “Administrator
3 of the Transportation Security Administration”.

4 (m) SECTION 44912.—Section 44912 of title 49,
5 United States Code, is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1), by striking “Under
8 Secretary of Transportation for Security” and
9 inserting “Administrator of the Transportation
10 Security Administration”; and

11 (B) in paragraph (3), by striking “Sec-
12 retary of Transportation” and inserting “Sec-
13 retary of Homeland Security”;

14 (2) by striking “Under Secretary” each place it
15 appears and inserting “Administrator of the Trans-
16 portation Security Administration”.

17 (n) SECTION 44913.—Section 44913 of title 49,
18 United States Code, is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1), by striking “Under
21 Secretary of Transportation for Security” and
22 inserting “Administrator of the Transportation
23 Security Administration”; and

24 (B) in paragraph (2), by striking “the
25 Committee on Transportation and Infrastruc-

1 ture” and inserting “the Committee on Home-
2 land Security”;

3 (2) in subsection (b), by striking “Secretary of
4 Transportation” and inserting “Secretary of Home-
5 land Security”; and

6 (3) by striking “Under Secretary” each place it
7 appears and inserting “Administrator of the Trans-
8 portation Security Administration”.

9 (e) SECTION 44914.—Section 44914 of title 49,
10 United States Code, is amended—

11 (1) by striking “Under Secretary of Transpor-
12 tation for Security” and inserting “Administrator of
13 the Transportation Security Administration”; and

14 (2) by striking “Under Secretary” each place it
15 appears and inserting “Administrator of the Trans-
16 portation Security Administration”.

17 (p) SECTION 44915.—Section 44915 of title 49,
18 United States Code, is amended by striking “Under Sec-
19 retary of Transportation for Security” and inserting “Ad-
20 ministrator of the Transportation Security Administra-
21 tion”.

22 (q) SECTION 44916.—Section 44916 of title 49,
23 United States Code, is amended—

24 (1) in subsection (a), by striking “Under Sec-
25 retary of Transportation for Security” and inserting

1 “Administrator of the Transportation Security Ad-
2 ministration”; and

3 (2) in subsection (b), by striking “Under Sec-
4 retary” and inserting “Administrator of the Trans-
5 portation Security Administration”.

6 (r) SECTION 44917.—Section 44917 of title 49,
7 United States Code, is amended—

8 (1) in subsection (a)—

9 (A) in the matter preceding paragraph (1),
10 by striking “Under Secretary of Transportation
11 for Security” and inserting “Administrator of
12 the Transportation Security Administration”;
13 and

14 (B) in paragraph (2), by inserting “of
15 Homeland Security, utilizing a risk-based secu-
16 rity methodology,” after “Secretary”;

17 (2) by striking subsections (b) and (c);

18 (3) redesignating subsection (d) as subsection
19 (b); and

20 (4) in subsection (b), as so redesignated—

21 (A) in paragraph (1), by striking “Assist-
22 ant Secretary for Immigration and Customs
23 Enforcement” and inserting “Administrator of
24 the Transportation Security Administration”;
25 and

1 (B) in paragraph (3), by striking “Assist-
2 ant Secretary” each place it appears and insert-
3 ing “Administrator”.

4 (s) SECTION 44918.—Section 44918 of title 49,
5 United States Code, is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (2)(E), by striking “the
8 Under Secretary for Border and Transportation
9 Security of the Department of Homeland Secu-
10 rity” and inserting “the Administrator of the
11 Transportation Security Administration”; and

12 (B) in paragraphs (5), (6), and (7), by
13 striking “the Administrator” each place it ap-
14 pears and inserting “the Administrator of the
15 Federal Aviation Administration”; and

16 (2) by striking “Under Secretary” each place it
17 appears and inserting “Administrator of the Trans-
18 portation Security Administration”.

19 (t) SECTION 44919.—Section 44919 of title 49,
20 United States Code, is amended by striking “Under Sec-
21 retary” each place it appears and inserting “Adminis-
22 trator of the Transportation Security Administration”.

23 (u) SECTION 44920.—Section 44920 of title 49,
24 United States Code, is amended by striking “Under Sec-

1 retary” each place it appears and inserting “Adminis-
2 trator of the Transportation Security Administration”.

3 (v) SECTION 44921.—Section 44921 of title 49,
4 United States Code, is amended—

5 (1) in subsection (a), by striking “Under Sec-
6 retary of Transportation for Security” and inserting
7 “Administrator of the Transportation Security Ad-
8 ministration”; and

9 (2) in subsection (b)(6)—

10 (A) by inserting “the Committee on Home-
11 land Security and” before “the Committee on
12 Transportation and Infrastructure”; and

13 (B) by inserting “the Committee on Home-
14 land Security and Governmental Affairs” before
15 “the Committee on Commerce, Science, and
16 Transportation”;

17 (3) in subsection (d)(4), by striking “may,” and
18 inserting “may”;

19 (4) in subsection (i)(2), by striking “the Under
20 Secretary” before “may”;

21 (5) by striking “Under Secretary” each place it
22 appears and inserting “Administrator of the Trans-
23 portation Security Administration”; and

1 (6) by striking “Under Secretary’s” each place
2 it appears and inserting “Transportation Security
3 Administration Administrator’s”.

4 (w) SECTION 44922.—Section 44922 of title 49,
5 United States Code, is amended—

6 (1) in subsection (a), by striking “Under Sec-
7 retary of Transportation for Security” and inserting
8 “Administrator of the Transportation Security Ad-
9 ministration”; and

10 (2) by striking “Under Secretary” each place it
11 appears and inserting “Administrator of the Trans-
12 portation Security Administration”.

13 (x) SECTION 44923.—Section 44923 of title 49,
14 United States Code, is amended—

15 (1) in subsection (a), in the matter preceding
16 paragraph (1), by striking “the Under Secretary for
17 Border and Transportation Security of the Depart-
18 ment of Homeland Security” and inserting “the Ad-
19 ministrator of the Transportation Security Adminis-
20 tration”;

21 (2) in subsection (e), by striking “Secretary of
22 Transportation” and inserting “Secretary of Home-
23 land Security”; and

24 (3) in subsection (d)—

1 (A) in paragraph (3), in the heading, by
2 striking “UNDER SECRETARY” and inserting
3 “ADMINISTRATOR”; and

4 (B) in paragraph (4), by inserting “,
5 Homeland Security,” before “and Transpor-
6 tation and Infrastructure”; and

7 (4) by striking “Under Secretary” each place it
8 appears and inserting “Administrator of the Trans-
9 portation Security Administration”.

10 (y) SECTION 44924.—Section 44924 of title 49,
11 United States Code, is amended—

12 (1) in subsection (a)—

13 (A) by striking “Under Secretary for Bor-
14 der and Transportation for Security of the De-
15 partment of Homeland Security” and inserting
16 “Administrator of the Transportation Security
17 Administration”; and

18 (B) by striking “Administrator under” and
19 inserting “Administrator of the Federal Avia-
20 tion Administration under”;

21 (2) in each of subsections (b) through (f), by
22 inserting “of the Federal Aviation Administration”
23 after “Administrator” each place it appears;

1 (3) in subsection (g), by inserting “the Com-
 2 mittee on Homeland Security and” before “the Com-
 3 mittee on Transportation and Infrastructure”; and

4 (4) by striking “Under Secretary” each place it
 5 appears and inserting “Administrator of the Trans-
 6 portation Security Administration”.

7 (z) SECTION 44925.—Section 44925 of title 49,
 8 United States Code, is amended—

9 (1) in subsection (b)—

10 (A) in paragraph (1), by striking “Assist-
 11 ant Security of Homeland Security (Transpor-
 12 tation Security Administration)” and inserting
 13 “Administrator of the Transportation Security
 14 Administration”; and

15 (B) in paragraph (3), by inserting “of
 16 Homeland Security” after “Secretary”; and

17 (2) in subsection (d), by striking “Assistant
 18 Secretary” each place it appears and inserting “Ad-
 19 ministrator of the Transportation Security Adminis-
 20 tration”.

21 (aa) SECTION 44926.—Section 44926 of title 49,
 22 United States Code, is amended—

23 (1) in subsection (a), by striking “United
 24 States” and inserting “U.S.”; and

25 (2) in subsection (b)(3)—

1 (A) in the matter preceding subparagraph
2 (A), by striking “an” and inserting “a”; and
3 (B) in subparagraph (B), by striking
4 “United States” and inserting “U.S.”.

5 (bb) SECTION 44927.—Section 44927 of title 49,
6 United States Code, is amended—

7 (1) in subsection (a), in the first sentence, by
8 striking “Veteran” and inserting “Veterans”; and

9 (2) by striking “Assistant Secretary” each place
10 it appears and inserting “Administrator of the
11 Transportation Security Administration”.

12 (cc) SECTION 44933.—Section 44933 of title 49,
13 United States Code, is amended—

14 (1) in the heading, by striking “**MANAGERS**”
15 and inserting “**DIRECTORS**”;

16 (2) in subsection (a)—

17 (A) in the first sentence—

18 (i) by striking “Under Secretary of
19 Transportation for Security” and inserting
20 “Administrator of the Transportation Se-
21 curity Administration”; and

22 (ii) by striking “Manager” and insert-
23 ing “Director”;

24 (B) in the second sentence—

1 (i) by striking “Under Secretary” and
2 inserting “Administrator of the Transpor-
3 tation Security Administration”; and

4 (ii) by striking the term “Managers”
5 each place it appears and inserting “Direc-
6 tors”; and

7 (3) in subsection (b)—

8 (A) in the matter preceding paragraph (1),
9 by striking “Manager” and inserting “Direc-
10 tor”; and

11 (B) in paragraph (2), by striking “Under
12 Secretary” and inserting “the Administrator of
13 the Transportation Security Administration”.

14 (dd) SECTION 44934.—Section 44934 of title 49,
15 United States Code, is amended—

16 (1) in subsection (a), by striking “Under Sec-
17 retary of Transportation for Security” and inserting
18 “Administrator of the Transportation Security Ad-
19 ministration”; and

20 (2) by striking “Under Secretary” each place it
21 appears and inserting “Administrator of the Trans-
22 portation Security Administration”.

23 (ee) SECTION 44935.—Section 44935 of title 49,
24 United States Code, is amended—

1 (1) by striking “Under Secretary of Transpor-
2 tation for Security” each place it appears and insert-
3 ing “Administrator of the Transportation Security
4 Administration”;

5 (2) by striking “Under Secretary” each place it
6 appears and inserting “Administrator of the Trans-
7 portation Security Administration”;

8 (3) in subsection (e)(2)(A)(ii), by striking “sec-
9 tion 1101(a)(22) of the Immigration and Nationality
10 Act” and inserting “section 101(a)(22) of the Immi-
11 gration and Nationality Act”; and

12 (4) by redesignating the second subsection (i)
13 (relating to accessibility of computer-based training
14 facilities) as subsection (k).

15 (ff) SECTION 44936.—Section 44936 of title 49,
16 United States Code, is amended—

17 (1) in subsection (a)(1)—

18 (A) in subparagraph (A)—

19 (i) by striking “Under Secretary of
20 Transportation for Security” and inserting
21 “Administrator of the Transportation Se-
22 curity Administration”; and

23 (ii) by striking “Under Secretary of
24 Transportation for Transportation Secu-
25 rity,” and inserting “Administrator of the

1 Transportation Security Administration,”;

2 and

3 (B) in subparagraphs (B) and (C), by
4 striking “Under Secretary of Transportation for
5 Transportation Security” each place it appears
6 and inserting “Administrator of the Transpor-
7 tation Security Administration”;

8 (2) in subsection (e)(1), by striking “Under
9 Secretary’s” and inserting “Transportation Security
10 Administration Administrator’s”; and

11 (3) by striking “Under Secretary” each place it
12 appears and inserting “Administrator of the Trans-
13 portation Security Administration”.

14 (gg) SECTION 44937.—Section 44937 of title 49,
15 United States Code, is amended by striking “Under Sec-
16 retary of Transportation for Security” and inserting “Ad-
17 ministrators of the Transportation Security Administra-
18 tion”.

19 (hh) SECTION 44938.—Section 44938 of title 49,
20 United States Code, is amended—

21 (1) in subsection (a), in the matter preceding
22 paragraph (1)—

23 (A) by striking “Secretary of Transpor-
24 tation” and inserting “Secretary of Homeland
25 Security”;

1 (B) by striking “the Secretary considers”
2 and inserting “the Secretary of Homeland Se-
3 curity considers”;

4 (C) by striking “The Secretary” and in-
5 serting “The Secretary of Homeland Security”;
6 and

7 (D) by striking “Under Secretary of
8 Transportation Security” and inserting “Ad-
9 ministrators of the Transportation Security Ad-
10 ministration”; and

11 (2) by striking “Under Secretary” each place it
12 appears and inserting “Administrators of the Trans-
13 portation Security Administration”.

14 (ii) SECTION 44940.—Section 44940 of title 49,
15 United States Code, is amended—

16 (1) in subsection (a)(1)—

17 (A) in the matter preceding paragraph (1),
18 by striking “Under Secretary of Transportation
19 for Security” and inserting “Administrators of
20 the Transportation Security Administration”;
21 and

22 (B) in subparagraph (F) by striking “
23 Managers” and inserting “Directors”;

1 (2) in subsection (e)(1), in the heading, by
2 striking “UNDER SECRETARY” and inserting “AD-
3 MINISTRATOR”; and

4 (3) by striking “Under Secretary” each place it
5 appears and inserting “Administrator of the Trans-
6 portation Security Administration”.

7 (jj) SECTION 44941.—Section 44941 of title 49,
8 United States Code, is amended by inserting “the Depart-
9 ment of Homeland Security,” before “the Department of
10 Transportation”.

11 (kk) SECTION 44942.—Section 44942 of title 49,
12 United States Code, is amended—

13 (1) in subsection (b)—

14 (A) in paragraph (1)—

15 (i) by redesignating paragraph (1) as
16 subsection (e) and moving such subsection,
17 as so redesignated, two ems to the left;
18 and

19 (ii) by redesignating subparagraphs
20 (A) and (B) as subsections (d) and (e), re-
21 spectively, and moving such subsections, as
22 so redesignated, four ems to the left;

23 (2) by striking subsections (a) and (b);

24 (3) by striking subsection (c), as so redesign-
25 nated;

1 (4) by redesignating subsections (d) and (e), as
2 so redesignated, as subsections (a) and (b), respec-
3 tively;

4 (5) by striking the term “the Secretary” each
5 place it appears and inserting “the Secretary of
6 Homeland Security”;

7 (6) by striking “Under Secretary for Transpor-
8 tation Security” each place it appears and inserting
9 “Administrator of the Transportation Security Ad-
10 ministration”; and

11 (7) by striking “Congress” and inserting “the
12 Committee on Homeland Security of the House of
13 Representatives and the Committee on Commerce,
14 Science, and Transportation of the Senate”.

15 (H) SECTION 44943.—Section 44943 of title 49,
16 United States Code, is amended—

17 (1) in subsection (a), by striking “The Under
18 Secretary for Transportation Security” and inserting
19 “~~The~~ Administrator of the Transportation Security
20 Administration”;

21 (2) in subsection (b)—

22 (A) in paragraph (1)—

23 (i) by striking “the Secretary” and in-
24 serting “the Secretary of Homeland Secu-
25 rity”; and

1 (ii) by striking “Under Secretary of
2 Transportation for Security” and inserting
3 “Administrator of the Transportation Se-
4 curity Administration”; and

5 (B) by striking “the Under Secretary”
6 each place it appears and inserting “the Admin-
7 istrator of the Transportation Security Admin-
8 istration”; and

9 (3) in subsection (e), by striking “the Under
10 Secretary for Transportation Security” and inserting
11 “the Administrator of the Transportation Security
12 Administration”.

13 (mm) SECTION 44944.—Section 44944 of title 49,
14 United States Code, is amended—

15 (1) in subsection (a)(1), by striking “Under
16 Secretary of Transportation for Transportation Se-
17 curity” and inserting “Administrator of the Trans-
18 portation Security Administration”; and

19 (2) by striking “Under Secretary” each place it
20 appears and inserting “Administrator of the Trans-
21 portation Security Administration”.

22 (nn) SECTION 44945.—Section 44945 of title 49,
23 United States Code, is amended by striking “Assistant
24 Secretary” each place it appears and inserting “Adminis-
25 trator of the Transportation Security Administration”.

1 (oo) SECTION 44946.—Section 44946 of title 49,
2 United States Code, is amended—

3 (1) in subsection (e)(2)(A), by striking “; but a
4 member may continue to serve until a successor is
5 appointed” and inserting “but may continue until
6 such time as a successor member begins serving on
7 the Advisory Committee”;

8 (2) in subsection (g)—

9 (A) by striking paragraph (2); and

10 (B) redesignating paragraph (3) as para-
11 graph (2); and

12 (3) by striking “Assistant Secretary” each place
13 it appears and inserting “Administrator of the
14 Transportation Security Administration”.

15 (pp) SECTION 45107.—Section 45107 of title 49,
16 United States Code, is amended—

17 (1) in subsection (a), by striking “Under Sec-
18 retary of Transportation for Security” and inserting
19 “Administrator of the Transportation Security Ad-
20 ministration”; and

21 (2) in subsection (b), by striking the second
22 sentence.

23 (qq) CLERICAL AMENDMENTS.—The analysis for
24 chapter 449 of title 49, United States Code, is amended

1 by striking the item relating to section 44933 and insert-
 2 ing the following new item:

“44933. Federal Security Directors.”.

3 **SEC. 1503. AMENDMENTS TO THE AVIATION AND TRANS-**
 4 **PORTATION SECURITY ACT.**

5 (a) SECTION 101.—Section 101 of the Aviation and
 6 Transportation Security Act (Public Law 107–71) is
 7 amended—

8 (1) in subsection (c) (5 U.S.C. 5313 note)—

9 (A) by striking paragraph (1);

10 (B) by redesignating paragraphs (2) and
 11 (3) as paragraph (1) and (2), respectively; and

12 (C) in paragraph (1), as so redesignated—

13 (i) by striking “Under Secretary” and
 14 inserting “Administrator of the Transpor-
 15 tation Security Administration”;

16 (ii) by striking “30 percent” and in-
 17 serting “15 percent”;

18 (iii) by striking “the Secretary’s” and
 19 inserting “the Secretary of Homeland Se-
 20 curity’s”; and

21 (iv) by striking “Under Secretary’s”
 22 and inserting “Transportation Security
 23 Administration Administrator’s”; and

24 (2) by striking subsection (g) (49 U.S.C. 44901
 25 note).

1 (b) SECTION 106.—Section 106 of the Aviation and
2 Transportation Security Act (49 U.S.C. 44903 note) is
3 amended—

4 (1) in subsection (b)—

5 (A) in paragraph (1), in the matter pre-
6 ceeding subparagraph (A), by striking “Under
7 Secretary of Transportation for Security” and
8 inserting “Administrator of the Transportation
9 Security Administration”;

10 (B) in paragraph (2)(A), by striking
11 “Under Secretary” each place it appears and
12 inserting “Administrator”; and

13 (C) in paragraph (2)(B), in the matter
14 preceding clause (i), by striking “Secretary”
15 and inserting “Secretary of Homeland Secu-
16 rity”; and

17 (2) in subsection (e), by striking “Under Sec-
18 retary of Transportation for Security” and inserting
19 “Administrator of the Transportation Security Ad-
20 ministration”.

21 (c) SECTION 109.—Section 109 of the Aviation and
22 Transportation Security Act (49 U.S.C. 114 note) is
23 amended—

24 (1) in subsection (a)—

1 (A) by striking “(a) IN GENERAL.—The
2 Under Secretary of Transportation for Security”
3 and inserting “The Administrator of the
4 Transportation Security Administration”;

5 (B) in paragraph (4), by—

6 (i) striking “medical product” and in-
7 serting “liquid or gel medical product or
8 nourishment and nutrition for infants and
9 toddlers, including formula, breast milk,
10 and juice,”; and

11 (ii) by striking “the product” and in-
12 serting “such product or nourishment or
13 nutrition”; and

14 (C) in paragraph (7), by striking “voice
15 stress analysis, biometric,” and inserting “bio-
16 metric”; and

17 (2) by striking subsection (b).

18 (d) SECTION 110.—Section 110 of the Aviation and
19 Transportation Security Act is amended by striking sub-
20 sections (e) and (d).

21 (e) SECTION 111.—Section 111 of the Aviation and
22 Transportation Security Act (49 U.S.C. 44935 note) is
23 amended—

24 (1) in subsection (e)—

1 (A) by striking “Under Secretary of
2 Transportation for Security” and inserting
3 “Administrator of the Transportation Security
4 Administration”; and

5 (B) by striking “Under Secretary” each
6 place it appears and inserting “Administrator
7 of the Transportation Security Administration”;
8 (2) in subsection (d)—

9 (A) in paragraph (1)—

10 (i) by striking “Under Secretary of
11 Transportation for Security” and inserting
12 “Administrator of the Transportation Se-
13 curity Administration”; and

14 (ii) by striking “Under Secretary”
15 each place it appears and inserting “Ad-
16 ministrator”; and

17 (B) in paragraph (2), by striking “Under
18 Secretary” and inserting “Administrator of the
19 Transportation Security Administration”.

20 (f) SECTION 117.—Section 117 of the Aviation and
21 Transportation Security Act (49 U.S.C. 44903 note) is
22 amended by inserting “the Secretary of Homeland Secu-
23 rity in consultation with” before “the Secretary of Trans-
24 portation”.

1 (g) SECTION 132.—Section 132 of the Aviation and
2 Transportation Security Act is repealed.

3 (h) SECTION 135.—Section 135 of the Aviation and
4 Transportation Security Act is repealed.

5 (i) SECTION 137.—Section 137 of the Aviation and
6 Transportation Security Act (49 U.S.C. 44912 note) is re-
7 pealed.

8 (j) REDESIGNATIONS.—Sections 133, 134, 136, 138,
9 139, 140, 141, 142, 143, 144, 145, 146, and 147 of the
10 Aviation and Transportation Security Act are amended by
11 redesignating such sections as sections 132, 133, 134,
12 135, 136, 137, 138, 139, 140, 141, 142, 143, and 144,
13 respectively.

14 **SEC. 1504. INFORMATION REQUIRED TO BE SUBMITTED TO**
15 **CONGRESS UNDER THE STRATEGIC 5-YEAR**
16 **TECHNOLOGY INVESTMENT PLAN OF THE**
17 **TRANSPORTATION SECURITY ADMINISTRA-**
18 **TION.**

19 (a) ADDITIONAL INFORMATION REQUIRED.—Section
20 1611 of the Homeland Security Act of 2002 (6 U.S.C.
21 563) is amended—

22 (1) in subsection (g)—

23 (A) in the matter preceding paragraph (1),
24 by striking “biennially” and inserting “annu-
25 ally”;

1 (B) in paragraph (1), by striking “and”;

2 (C) in paragraph (2), by striking the pe-
3 riod and inserting “; and”;

4 (D) by adding at the end the following new
5 paragraph:

6 “~~(3)~~ information about acquisitions completed
7 during the fiscal year preceding the fiscal year dur-
8 ing which the report is submitted.”; and

9 (2) by adding at the end the following new sub-
10 sections:

11 “~~(h)~~ NOTICE OF COVERED CHANGES TO PLAN.—

12 “~~(1)~~ NOTICE REQUIRED.—The Administrator
13 shall submit to the Committee on Commerce,
14 Science, and Transportation of the Senate and the
15 Committee on Homeland Security of the House of
16 Representatives notice of any covered change to the
17 Plan by not later than 90 days after the date on
18 which the change is made.

19 “~~(2)~~ DEFINITION OF CHANGE.—In this sub-
20 section, the term ‘covered change’ means an increase
21 or decrease in the dollar amount allocated to the
22 procurement of a technology or an increase or de-
23 crease in the number of a technology.”.

24 ~~(b) REPORT ON EQUIPMENT IN OPERATION POST-~~
25 LIFE-CYCLE.—Not later than 90 days after the date of

1 the enactment of this Act, the Administrator of the Trans-
2 portation Security Administration shall submit to the
3 Committee on Commerce, Science, and Transportation of
4 the Senate and the Committee on Homeland Security of
5 the House of Representatives a report describing any
6 equipment of the Transportation Security Administration
7 that is in operation after—

8 (1) the end of the life-cycle of the equipment
9 specified by the manufacturer of the equipment; or

10 (2) the end of the useful life projection for the
11 equipment under the strategic 5-year technology in-
12 vestment plan of the Transportation Security Ad-
13 ministration, as required by section 1611 of the
14 Homeland Security Act of 2002 (6 U.S.C. 563).

15 (c) NOTICE TO AIRPORTS AND AIRLINES.—Upon the
16 enactment of this Act, the Administrator of the Transpor-
17 tation Security Administration shall notify airports and
18 airlines of any changes to the 5-year technology invest-
19 ment plan of the Transportation Security Administration.

20 **SEC. 1505. MAINTENANCE OF SECURITY-RELATED TECH-**
21 **NOLOGY.**

22 (a) IN GENERAL.—Title XVI of the Homeland Secu-
23 rity Act of 2002 (6 U.S.C. 561 et seq.) is amended by
24 adding at the end the following new subtitle:

1 **“Subtitle C—Maintenance of**
2 **Security-Related Technology**

3 **“SEC. 1621. MAINTENANCE VALIDATION AND OVERSIGHT.**

4 “(a) **IN GENERAL.**—Not later than 180 days after
5 the date of the enactment of this subtitle, the Adminis-
6 trator shall develop and implement a preventive mainte-
7 nance validation process for security-related technology
8 deployed to airports.

9 “(b) **MAINTENANCE BY ADMINISTRATION PER-**
10 **SONNEL AT AIRPORTS.**—For maintenance to be carried
11 out by Administration personnel at airports, the process
12 referred to in subsection (a) shall include the following:

13 “(1) **Guidance to Administration personnel at**
14 **airports specifying how to conduct and document**
15 **preventive maintenance actions.**

16 “(2) **Mechanisms for the Administrator to**
17 **verify compliance with the guidance issued pursuant**
18 **to paragraph (1).**

19 “(c) **MAINTENANCE BY CONTRACTORS AT AIR-**
20 **PORTS.**—For maintenance to be carried by a contractor
21 at airports, the process referred to in subsection (a) shall
22 require the following:

23 “(1) **Provision of monthly preventative mainte-**
24 **nance schedules to appropriate Administration per-**

1 efficiency review of the Administration to identify and effec-
2 tuate spending reductions and administrative savings
3 through the streamlining or restructuring of Administra-
4 tion divisions to make the Administration more efficient.
5 In carrying out the review under this section, the Adminis-
6 trator shall consider each of the following:

7 (1) The elimination of any unnecessarily dupli-
8 cative or overlapping programs and initiatives that
9 can be streamlined.

10 (2) The elimination of any unnecessary or obso-
11 lete rules, regulations, directives, or procedures.

12 (3) The reduction in overall operating expenses
13 of the Administration, including costs associated
14 with the number of personnel, as a direct result of
15 efficiencies gained through the implementation of
16 risk-based screening or through any other means as
17 determined by the Administrator.

18 (4) Any other matters the Administrator deter-
19 mines are appropriate.

20 (b) REPORT TO CONGRESS.—Not later than 30 days
21 after the completion of the efficiency review required
22 under subsection (a), the Administrator of the Transpor-
23 tation Security Administration shall report to the Com-
24 mittee on Homeland Security of the House of Representa-
25 tives and the Committee on Commerce, Science, and

1 Transportation of the Senate on the results and cost sav-
2 ings expected to be achieved through such efficiency re-
3 view.

4 **SEC. 1507. TRANSPORTATION SENIOR EXECUTIVE SERVICE**
5 **ACCOUNTABILITY.**

6 (a) **REDUCTION PLAN.**—Not later than 270 days
7 after the date of the enactment of this Act, the Secretary
8 of Homeland Security, acting through the Administrator
9 of the Transportation Security Administration, shall de-
10 velop a strategic plan, including a timeline, to reduce by
11 20 percent by June 30, 2019, the number of positions at
12 the Senior Executive Service level at the Administration.

13 (b) **CONGRESSIONAL REVIEW.**—Not later than 30
14 days after the completion of the Senior Executive Service
15 reduction plan required under subsection (a), the Adminis-
16 trator of the Transportation Security Administration shall
17 submit to the Committee on Homeland Security of the
18 House of Representatives and the Committee on Com-
19 merce, Science, and Transportation of the Senate a copy
20 of such plan.

1 **Subtitle B—Passenger Security and**
2 **Screening**

3 **SEC. 1511. DEPARTMENT OF HOMELAND SECURITY TRUST-**
4 **ED TRAVELER PROGRAM COLLABORATION.**

5 The Secretary of Homeland Security shall continue
6 the review of all trusted traveler vetting programs carried
7 out by the Department of Homeland Security using rep-
8 resentatives from such programs to make recommenda-
9 tions on possible efficiencies that could be gained by inte-
10 grating requirements and operations and increasing infor-
11 mation and data sharing across programs.

12 **SEC. 1512. PRECHECK BIOMETRIC PILOT PROJECT.**

13 Not later than one year after the date of the enact-
14 ment of this Act, the Administrator of the Transportation
15 Security Administration (TSA) shall conduct a pilot
16 project to test a secure, automated, and biometric-based
17 system at airports to verify the identity of individuals who
18 are members of TSA PreCheck or another Department of
19 Homeland Security trusted traveler program that affords
20 TSA expedited screening. Such system shall be designed
21 to—

22 (1) improve security while also reducing the
23 need for security screening personnel to perform
24 identity and travel document verification for such in-
25 dividuals;

1 (2) reduce the average wait time of such indi-
2 viduals;

3 (3) reduce overall operating expenses of the Ad-
4 ministration;

5 (4) be integrated with the Department's watch
6 list and trusted traveler matching programs; and

7 (5) be integrated with other technologies to fur-
8 ther facilitate risk-based passenger screening at
9 checkpoints, to the extent practicable and consistent
10 with security standards.

11 **SEC. 1513. IDENTITY AND TRAVEL DOCUMENT**
12 **VERIFICATION.**

13 Section 44901 of title 49, United States Code, is
14 amended by adding at the end the following new sub-
15 section:

16 “(m) ESTABLISHMENT OF SCREENING SYSTEM FOR
17 CERTAIN PERSONS.—Not later than December 31, 2018,
18 the Administrator of the Transportation Security Admin-
19 istration shall, subject to the availability of appropriations,
20 implement an identity and travel document verification
21 system designed to establish a secure, automated system
22 at all airports for verifying identity and travel documents
23 of persons seeking entry into the sterile area of an airport.
24 Such system shall—

1 “(1) assess the need for security screening per-
2 sonnel to perform identity and travel document
3 verification for such passengers, thereby assessing
4 the overall number of such screening personnel;

5 “(2) reduce the average wait time of such pas-
6 sengers;

7 “(3) reduce overall operating expenses of the
8 Administration;

9 “(4) be integrated with the Administration’s
10 watch list matching program; and

11 “(5) be integrated with other technologies to
12 further facilitate risk-based passenger screening at
13 checkpoints, to the extent practicable and consistent
14 with security standards.”.

15 **SEC. 1514. COMPUTED TOMOGRAPHY PILOT PROJECT.**

16 Not later than 90 days after the date of the enact-
17 ment of this Act, the Administrator of the Transportation
18 Security Administration shall conduct a pilot project to
19 test the use of screening equipment using computed to-
20 mography technology to screen baggage at passenger
21 checkpoints.

22 **SEC. 1515. EXPLOSIVES DETECTION CANINE TEAMS FOR**
23 **AVIATION.**

24 (a) **PASSENGER SCREENING TEAMS.**—The Adminis-
25 trator of the Transportation Security Administration shall

1 ensure that by December 31, 2018, at least 300 explosives
2 detection canine teams are dedicated to passenger screen-
3 ing purposes at airports in the United States at which the
4 Administration performs, or oversees the implementation
5 and performance of, security measures, including screen-
6 ing responsibilities.

7 (b) **USE OF CANINES TO DETECT SCREENING ANOM-**
8 **ALIES.**—At airports in the United States at which—

9 (1) canine teams trained to screen passengers
10 are available, and

11 (2) the Transportation Security Administration
12 has passenger screening responsibilities,

13 the Administrator of the Transportation Security Admin-
14 istration may use such teams to detect screening anoma-
15 lies.

16 **SEC. 1516. STANDARD OPERATING PROCEDURES AT AIR-**
17 **PORT CHECKPOINTS.**

18 (a) **STANDARDIZATION.**—The Administrator of the
19 Transportation Security Administration shall require, to
20 the extent practicable, that standard operating procedures
21 at airport checkpoints for passengers and carry-on bag-
22 gage are carried out in a uniform manner among similarly
23 situated airports.

24 (b) **REPORT TO CONGRESS.**—Not later than 270 days
25 after the date of the enactment of this Act, the Adminis-

1 trator of the Transportation Security Administration shall
2 submit to the Committee on Homeland Security of the
3 House of Representatives and the Committee on Com-
4 merce, Science, and Transportation of the Senate a report
5 on how standard operating procedures were made uniform
6 in accordance with subsection (a).

7 (c) AUDITS.—Beginning one year after the date of
8 the enactment of this Act, the Inspector General of the
9 Department of Homeland Security shall conduct periodic
10 audits of adherence to the standard operating procedures,
11 as established by the Administrator of the Transportation
12 Security Administration, under this section of screening
13 personnel at large, medium, and small airports in diverse
14 geographical areas.

15 **SEC. 1517. TRAVELER REDRESS IMPROVEMENT.**

16 (a) REDRESS PROCESS.—

17 (1) IN GENERAL.—Not later than 30 days after
18 the date of the enactment of this Act, the Adminis-
19 trator of the Transportation Security Administration
20 shall, using existing resources, systems, and proe-
21 cesses, ensure the availability of the Department of
22 Homeland Security Traveler Redress Inquiry Pro-
23 gram (DHS TRIP) redress process to adjudicate in-
24 quiries for individuals who—

1 (A) are citizens of the United States or
2 aliens lawfully admitted for permanent resi-
3 dence;

4 (B) have filed an inquiry with DHS TRIP
5 after receiving enhanced screening at an airport
6 passenger security checkpoint more than three
7 times in any 60-day period; and

8 (C) believe they have been wrongly identi-
9 fied as being a threat to aviation security.

10 (2) REPORT.—Not later than 180 days after
11 the date of the enactment of this Act, the Adminis-
12 trator of the Transportation Security Administration
13 shall submit to the Committee on Homeland Secu-
14 rity of the House of Representatives and the Com-
15 mittee on Commerce, Science, and Transportation of
16 the Senate a report on the implementation of the re-
17 dress process required under paragraph (1).

18 (b) PRIVACY IMPACT REVIEW AND UPDATE.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this Act, the Ad-
21 ministrators of the Transportation Security Adminis-
22 tration shall review and update the Privacy Impact
23 Assessment for the Secure Flight programs to en-
24 sure such Assessment accurately reflects the oper-
25 ation of such programs.

1 (2) PUBLIC DISSEMINATION; FORM.—The Se-
2 cure Flight Privacy Impact Assessment review and
3 update required under paragraph (1) shall be pub-
4 lished on a publically-accessible internet webpage of
5 the Transportation Security Administration and sub-
6 mitted to the Committee on Homeland Security of
7 the House of Representatives and the Committee on
8 Commerce, Science, and Transportation of the Sen-
9 ate.

10 (c) TRANSPORTATION SECURITY ADMINISTRATION
11 RULE REVIEW AND NOTIFICATION PROCESS.—

12 (1) RULE REVIEW.—Not later than 60 days
13 after the date of the enactment of this Act and every
14 120 days thereafter, the Assistant Administrator of
15 the Office of Intelligence and Analysis of the Trans-
16 portation Security Administration, in coordination
17 with the entities specified in paragraph (2), shall
18 conduct a comprehensive review of the Transpor-
19 tation Security Administration’s intelligence-based
20 screening rules.

21 (2) NOTIFICATION PROCESS.—Not later than
22 48 hours after changing, updating, implementing, or
23 suspending a Transportation Security Administra-
24 tion intelligence-based screening rule, the Assistant
25 Administrator of the Office of Intelligence and Anal-

1 ysis of the Transportation Security Administration
2 shall notify the following entities of any such
3 change, update, implementation, or suspension, as
4 the case may be:

5 (A) The Office of Civil Rights and Lib-
6 erties, Ombudsman, and Traveler Engagement
7 of the Transportation Security Administration.

8 (B) The Office of Civil Rights and Lib-
9 erties of the Department of Homeland Security.

10 (C) The Office of Chief Counsel of the Ad-
11 ministration.

12 (D) The Office of General Counsel of the
13 Department.

14 (E) The Privacy Office of the Administra-
15 tion.

16 (F) The Privacy Office of the Department.

17 (G) The Federal Air Marshal Service.

18 (H) The Traveler Redress Inquiry Pro-
19 gram of the Department.

20 (d) FEDERAL AIR MARSHAL SERVICE COORDINA-
21 TION.—

22 (1) IN GENERAL.—The Administrator of the
23 Transportation Security Administration shall ensure
24 that the Transportation Security Administration's

1 intelligence-based screening rules are taken into ac-
2 count for Federal Air Marshal mission scheduling.

3 (2) REPORT.—Not later than 180 days after
4 the date of the enactment of this Act, the Adminis-
5 trator of the Transportation Security Administration
6 shall submit to the Committee on Homeland Secu-
7 rity of the House of Representatives and the Com-
8 mittee on Commerce, Science, and Transportation of
9 the Senate a report on how the Transportation Se-
10 curity Administration’s intelligence-based screening
11 rules are incorporated in the risk analysis conducted
12 during the Federal Air Marshal mission scheduling
13 process.

14 (e) GAO REPORT.—Not later than one year after the
15 date of the enactment of this Act, the Comptroller General
16 of the United States shall submit to the Committee on
17 Homeland Security of the House of Representatives and
18 the Committee on Commerce, Science, and Transportation
19 of the Senate a study on the Transportation Security Ad-
20 ministration’s intelligence-based screening rules and the
21 effectiveness of such rules in identifying and mitigating
22 potential threats to aviation security. Such study shall also
23 examine coordination between the Transportation Security
24 Administration, the Department of Homeland Security,

1 and other relevant partners relating to changing, updat-
2 ing, implementing, or suspending such rules as necessary.

3 **SEC. 1518. SCREENING IN AREAS OTHER THAN PASSENGER**
4 **TERMINALS.**

5 The Administrator of the Transportation Security
6 Administration is authorized to provide screening services
7 to a commercial charter air carrier in areas other than
8 primary passenger terminals upon the request of such car-
9 rier. A commercial charter air carrier shall direct any such
10 request to the Federal Security Director for the airport
11 where such services are requested. A Federal Security Di-
12 rector may elect to provide screening services if such serv-
13 ices are available. The Administrator shall enter into an
14 agreement with a commercial charter air carrier for com-
15 pensation from such carrier requesting the use of screen-
16 ing services for all reasonable costs in addition to overtime
17 costs that are incurred in the provision of screening serv-
18 ices under this section.

19 **SEC. 1519. FEDERAL AIR MARSHAL SERVICE AGREEMENTS.**

20 (a) STANDARDIZATION.—Not later than 60 days
21 after the date of the enactment of the Act, the Adminis-
22 trator of the Transportation Security Administration shall
23 develop a standard working document that shall be the
24 basis of all negotiations and agreements that begin after
25 the date of the enactment of this Act between the United

1 States and foreign governments or partners regarding
2 Federal Air Marshal coverage of flights to and from the
3 United States.

4 (b) WRITTEN AGREEMENTS.—All agreements be-
5 tween the United States and foreign governments or part-
6 ners regarding the presence of Federal Air Marshals on
7 flights to and from the United States must be written and
8 signed by the Secretary of Homeland Security or the Sec-
9 retary's designee.

10 (c) CONGRESSIONAL NOTIFICATION.—The Secretary
11 of Homeland Security shall transmit to the relevant Con-
12 gressional committees any agreements described in sub-
13 section (b) within 30 days of such agreement being signed.

14 **SEC. 1520. FEDERAL AIR MARSHAL MISSION SCHEDULING**
15 **AUTOMATION.**

16 The Administrator of the Transportation Security
17 Administration shall seek to acquire an automated soft-
18 ware capability for the scheduling of Federal Air Marshal
19 Service missions based on current risk modeling.

20 **SEC. 1521. CANINE DETECTION RESEARCH AND DEVELOP-**
21 **MENT.**

22 (a) IN GENERAL.—The Secretary of Homeland Secu-
23 rity shall conduct an audit of all canine training programs
24 of the Department of Homeland Security and convene a
25 working group of representatives from all such programs

1 to make recommendations on possible efficiencies that
2 could be gained by integrating training standards and fa-
3 cilities.

4 (b) CANINE STAFFING ALLOCATION MODEL.—The
5 Administrator of the Transportation Security Administra-
6 tion shall develop a staffing allocation model for canines
7 to determine the optimal number of passenger screening
8 canines at airports in the United States.

9 (c) REPORT TO CONGRESS.—Not later than 180 days
10 after the date of the enactment of this Act, the Secretary
11 of Homeland Security shall submit to the Committee on
12 Homeland Security of the House of Representatives and
13 the Committee on Commerce, Science, and Transportation
14 of the Senate a report on the recommendations required
15 by subsection (a).

16 (d) BRIEFING TO CONGRESS.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of the enactment of this Act, the Ad-
19 ministrator of the Transportation Security Adminis-
20 tration shall brief the Committee on Homeland Se-
21 curity of the House of Representatives and the Com-
22 mittee on Homeland Security and Governmental Af-
23 fairs and the Committee on Commerce, Science, and
24 Transportation of the Senate on the state of explo-

1 sives detection canine production and training in the
2 United States.

3 ~~(2) CONTENTS.—~~The briefing required under
4 paragraph ~~(1)~~ shall include the following:

5 (A) An analysis of the steps the Transpor-
6 tation Security Administration may take to fos-
7 ter additional production of explosives detection
8 canines in the United States by the private sec-
9 tor.

10 (B) Perspectives from current explosives
11 detection canine industry stakeholders regard-
12 ing the impact of the Administration's procure-
13 ment model on business considerations.

14 (C) An analysis regarding whether the Ad-
15 ministration effectively communicates canine
16 training guidelines and testing methodology to
17 the private sector.

18 (D) The extent to which physical capacity
19 limitations at current Administration-operated
20 sites hinder the operations of either the Admin-
21 istration or industry.

22 **SEC. 1522. INTERNATIONAL CIVIL AVIATION ORGANIZA-**
23 **TION.**

24 (a) **IN GENERAL.**—Not later than 90 days after the
25 date of the enactment of this Act, the United States Am-

1 bassador or the Chargé d’Affaires to the United States
2 Mission to the International Civil Aviation Organization
3 shall pursue improvements to airport security, including
4 if practicable, introducing a resolution to raise minimum
5 standards for airport security.

6 (b) REPORT TO CONGRESS.—Not later than 180 days
7 after the date of the enactment of this Act, the United
8 States Ambassador or the Chargé d’Affaires to the United
9 States Mission to the International Civil Aviation Organi-
10 zation shall report to the Committee on Homeland Secu-
11 rity and the Committee on Foreign Affairs of the House
12 of Representatives and the Committee on Homeland Secu-
13 rity and Governmental Affairs, the Committee on Foreign
14 Relations, and the Committee on Commerce, Science, and
15 Transportation of the Senate on the implementation of
16 subsection (a).

17 **SEC. 1523. PASSENGER SECURITY FEE.**

18 The Secretary of Homeland Security is prohibited
19 from incorporating an increase in the passenger security
20 fee under section 44940 of title 49, United States Code,
21 beyond what is authorized at the time the annual budget
22 proposal for the Department of Homeland Security is
23 transmitted to Congress.

1 **SEC. 1524. LAST POINT OF DEPARTURE AIRPORT CERTIFI-**
2 **CATION.**

3 Subparagraph (B) of section 44907(a)(2) of title 49,
4 United States Code, is amended by inserting “, including
5 the screening and vetting of airport workers” before the
6 semicolon at the end.

7 **SEC. 1525. SECURITY INCIDENT RESPONSE AT AIRPORTS**
8 **AND SURFACE TRANSPORTATION HUBS.**

9 The Gerardo Hernandez Airport Security Act of 2015
10 (Public Law 114–50; 49 U.S.C. 44903 note) is amend-
11 ed—

12 (1) in section 3—

13 (A) in subsection (b), in the matter pre-
14 ceeding paragraph (1), by striking “may” each
15 place it appears and inserting “shall”;

16 (B) by redesignating subsection (e) as sub-
17 section (d); and

18 (C) by inserting after subsection (b) the
19 following new subsection:

20 “(e) REVIEW.—The Administrator of the Transpor-
21 tation Security Administration shall review the active
22 shooter response guidelines specified for Department of
23 Homeland Security personnel under this section and make
24 a recommendation to the Secretary of Homeland Security
25 to modify such guidelines for personnel who are certified

1 Federal law enforcement officials and for personnel who
2 are uniformed but unarmed security officials.”; and

3 ~~(2)~~ in section 7—

4 (A) in subsection (b), in the matter pre-
5 ceeding paragraph (1), by striking “may” each
6 place it appears and inserting “shall”;

7 (B) by redesignating subsections (c) and
8 (d) as subsections (d) and (e), respectively; and

9 (C) by inserting after subsection (b) the
10 following new subsection:

11 “(e) REVIEW.—The Administrator of the Transpor-
12 tation Security Administration shall review the active
13 shooter response guidelines specified for Department of
14 Homeland Security personnel under this section and make
15 a recommendation to the Secretary of Homeland Security
16 to modify such guidelines for personnel who are certified
17 Federal law enforcement officials and for personnel who
18 are uniformed but unarmed security officials.”.

19 **SEC. 1526. AIRPORT SECURITY SCREENING OPT-OUT PRO-**
20 **GRAM.**

21 Section 44920 of title 49, United States Code, is
22 amended—

23 (1) in subsection (b)—

24 (A) in paragraph (1), by striking “120”
25 and inserting “90”;

1 (B) by redesignating paragraph (3) as
2 paragraph (4);

3 (C) by inserting after paragraph (2) the
4 following new paragraph:

5 “(3) ENTRANCE INTO CONTRACT.—The
6 Administrator of the Transportation Security
7 Administration shall make best efforts to enter
8 into a contract with a private screening com-
9 pany to provide screening services at an airport
10 not later than 180 days after the date of ap-
11 proval of an application submitted by the oper-
12 ator of such airport under subsection (a).”;

13 (D) in subparagraph (A) of paragraph (4),
14 as so redesignated, in the matter preceding
15 clause (i), by striking “not later than 60 days
16 following the date of the denial” and inserting
17 “immediately upon issuing the denial”; and

18 (2) by striking subsection (h) and inserting the
19 following new subsections:

20 “(h) EVALUATION OF SCREENING COMPANY PRO-
21 POSALS FOR AWARD.—Notwithstanding any other provi-
22 sion of law, including title 48 of the Code of Federal Regu-
23 lations and the Federal Advisory Committee Act (5 U.S.C.
24 App.); an airport operator that has applied and been ap-
25 proved to have security screening services carried out by

1 a qualified private screening company under contract with
2 the Administrator of the Transportation Security Admin-
3 istration may nominate to the head of the contracting ac-
4 tivity an individual to participate in the evaluation of pro-
5 posals for the award of such contract. Any such participa-
6 tion on a proposal evaluation committee shall be conducted
7 in accordance with the provisions and restrictions of chap-
8 ter 21 of title 41, United States Code.

9 “(i) INNOVATIVE SCREENING APPROACHES AND
10 TECHNOLOGIES.—The operator of an airport at which
11 screening services are provided under this section is en-
12 couraged to recommend to the Administrator of the
13 Transportation Security Administration innovative screen-
14 ing approaches and technologies. Upon receipt of any such
15 recommendations, the Administrator, shall review and, if
16 appropriate, test, conduct a pilot project, and, if appro-
17 priate, deploy such approaches and technologies.”.

18 **SEC. 1527. PERSONNEL MANAGEMENT SYSTEM REVIEW.**

19 (a) IN GENERAL.—Notwithstanding subsection (d) of
20 section 111 of the Aviation and Transportation Security
21 Act (49 U.S.C. 44935 note), not later than 30 days after
22 the date of the enactment of this Act, the Administrator
23 of the Transportation Security Administration shall con-
24 vene a working group consisting of representatives of the
25 Administration and representatives of the labor organiza-

1 tion representing security screening personnel to discuss
2 reforms to the Administration's personnel management
3 system, including appeals to the Merit Systems Protection
4 Board and grievance procedures.

5 (b) REPORT.—Not later than one year after the date
6 of the enactment of this Act, the working group convened
7 under subsection (a) shall terminate and shall submit to
8 the Administrator of the Transportation Security Admin-
9 istration and the Committee on Homeland Security of the
10 House of Representatives and the Committee on Com-
11 merce, Science, and Transportation of the Senate a report
12 containing agreed-upon reforms to the Administration's
13 personnel management system. The Administrator may
14 implement associated recommendations mutually agreed
15 to by the parties to such working group before the end
16 of such one year period.

17 **SEC. 1528. INNOVATION TASK FORCE.**

18 (a) IN GENERAL.—The Administrator of the Trans-
19 portation Security Administration may establish a task
20 force to collaborate with air carriers, airport operators,
21 and other aviation security stakeholders to foster the pur-
22 suit of innovations in aviation security prior to the acqui-
23 sition process.

24 (b) ACTIVITIES.—The task force authorized under
25 subsection (a) may conduct activities designed to identify

1 and develop an innovative technology or capability with the
2 potential of enhancing aviation security, including—

3 (1) conducting a field demonstration of such a
4 technology or capability in the airport environment;

5 (2) gathering performance data from such a
6 demonstration to inform the acquisition process; and

7 (3) providing funding and promoting efforts to
8 enable participation in a demonstration by a small
9 business that has an innovative technology but does
10 not have adequate resources to participate.

11 (e) COMPOSITION.—The task force authorized under
12 subsection (a) shall be—

13 (1) chaired by the Administrator of the Trans-
14 portation Security Administration’s designee; and

15 (2) comprised of representatives appointed by
16 the Administrator, in consultation with the Chair-
17 person of the Aviation Security Advisory Committee
18 (established pursuant to section 44936 of title 49,
19 United States Code); from appropriate stakeholders
20 from—

21 (A) within the Administration;

22 (B) air carriers;

23 (C) airport operators;

24 (D) other aviation security stakeholders;

25 and

1 ~~(E)~~ as appropriate, the Science and Tech-
2 nology Directorate of the Department of Home-
3 land Security and any other appropriate compo-
4 nent of the Department.

5 ~~(d) RULE OF CONSTRUCTION.~~—Nothing in this see-
6 tion shall require the Administrator of the Transportation
7 Security Administration to acquire an innovative tech-
8 nology or emerging security capability.

9 ~~(e) NON-APPLICABILITY OF FACA.~~—The Federal
10 Advisory Committee Act (5 U.S.C. App.) shall not apply
11 to the task force authorized under subsection (a).

12 **SEC. 1529. AIRPORT LAW ENFORCEMENT REIMBURSEMENT.**

13 Not later than 120 days after the date of the enact-
14 ment of this Act, the Administrator of the Transportation
15 Security Administration shall submit to the Committee on
16 Homeland Security of the House of Representatives and
17 the Committee on Commerce, Science, and Transportation
18 of the Senate a report on the Transportation Security Ad-
19 ministration's law enforcement officer reimbursement pro-
20 gram, which shall include information relating to the fol-
21 lowing:

22 ~~(1)~~ The current structure of the program, in-
23 cluding how funding disbursement decisions are
24 made.

1 (2) An assessment of threats requiring law en-
2 forcement officer response at airports.

3 (3) The scope of current law enforcement ac-
4 tivities covered under the program, and an assess-
5 ment of whether such covered activities should be ex-
6 panded to reflect emerging threats.

7 (4) The annual costs to airport authorities for
8 providing law enforcement for such covered activities
9 at security checkpoints.

10 (5) Proposed methodology for funding alloca-
11 tions.

12 **Subtitle C—Transportation Secu-**
13 **rity Screening Personnel Train-**
14 **ing and Accountability**

15 **SEC. 1531. TRANSPORTATION SECURITY TRAINING PRO-**
16 **GRAMS.**

17 (a) IN GENERAL.—Section 44935 of title 49, United
18 States Code, as amended by this Act, is further amended
19 by adding at the end the following new subsection:

20 “(1) INITIAL AND RECURRING TRAINING.—

21 “(1) IN GENERAL.—The Administrator of the
22 Transportation Security Administration shall estab-
23 lish a training program for new security screening
24 personnel located at the Federal Law Enforcement
25 Training Center in Glynco, Georgia.

1 “(2) RECURRING TRAINING.—Not later than
2 180 days after the date of the enactment of this
3 subsection, the Administrator of the Transportation
4 Security Administration shall establish recurring
5 training of security screening personnel regarding
6 updates to screening procedures and technologies,
7 including methods to identify the verification of false
8 or fraudulent travel documents, as well as training
9 on emerging threats, in response to weaknesses iden-
10 tified in covert tests at airports. The training shall
11 include—

12 “(A) internal controls for monitoring and
13 documenting compliance of transportation secu-
14 rity officers with such training requirements;
15 and

16 “(B) such other matters as identified by
17 the Administrator with regard to such train-
18 ing.”.

19 (b) GAO STUDY.—Not later than one year after the
20 date of the enactment of this Act, the Comptroller General
21 of the United States shall report to Congress on the effec-
22 tiveness of the new security screening personnel training
23 at Glynn, Georgia, required under subsection (1) of sec-
24 tion 44935 of title 49, United States Code, as amended
25 by this section.

1 **SEC. 1532. ALTERNATE NEW SECURITY SCREENING PER-**
2 **SONNEL TRAINING PROGRAM COST AND FEA-**
3 **SIBILITY STUDY.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the Administrator of the Transportation
6 Security Administration shall conduct a cost and feasi-
7 bility study of developing a training program for security
8 screening personnel that will provide such personnel with
9 an equal level of training as is provided in the training
10 program for new security screening personnel located at
11 the Federal Law Enforcement Training Center in Glyneo,
12 Georgia, that could be conducted at or within 50 miles
13 of such security screening personnel's duty station. Such
14 study should examine the use of online seminar and train-
15 ing platforms for portions of the training curriculum that
16 are conducive to such an outcome.

17 **SEC. 1533. PROHIBITION OF ADVANCE NOTICE OF COVERT**
18 **TESTING TO SECURITY SCREENERS.**

19 Section 44935 of title 49, United States Code, as
20 amended by this Act, is further amended by adding at the
21 end the following new subsection:

22 ~~“(m) PROHIBITION OF ADVANCE NOTICE TO SECUR-~~
23 ~~ITY SCREENERS OF COVERT TESTING AND EVALUA-~~
24 ~~TION.—~~

25 ~~“(1) IN GENERAL.—The Administrator of the~~
26 ~~Transportation Security Administration shall ensure,~~

1 to the greatest extent practicable, that information
2 concerning a covert test of a transportation security
3 system to be conducted by a covert testing office, the
4 Inspector General of the Department of Homeland
5 Security, or the Government Accountability Office is
6 not provided to any individual involved in such test
7 prior to the completion of such test.

8 “(2) EXCEPTIONS.—Notwithstanding para-
9 graph (1)—

10 “(A) an authorized individual involved in a
11 covert test of a transportation security system
12 may provide information concerning such covert
13 test to—

14 “(i) employees, officers, and contrac-
15 tors of the Federal Government (including
16 military personnel);

17 “(ii) employees and officers of State
18 and local governments; and

19 “(iii) law enforcement officials who
20 are authorized to receive or directed to be
21 provided such information by the Adminis-
22 trator of the Transportation Security Ad-
23 ministration, the Inspector General of the
24 Department of Homeland Security, or the

1 Comptroller General of the United States,
2 as the case may be; and

3 “(B) for the purpose of ensuring the secu-
4 rity of any individual in the vicinity of a site at
5 which a covert test of a transportation security
6 system is being conducted, an individual con-
7 ducting such test may disclose his or her status
8 as an individual conducting such test to any ap-
9 propriate individual if a security screener or
10 other individual who is not a covered employee
11 identifies the individual conducting such test as
12 a potential threat.

13 “(3) SPECIAL RULES FOR TSA.—

14 “(A) MONITORING AND SECURITY OF
15 TESTING PERSONNEL.—The head of each covert
16 testing office shall ensure that a person or
17 group of persons conducting a covert test of a
18 transportation security system for a covert test-
19 ing office is accompanied at the site of such test
20 by a cover team composed of one or more em-
21 ployees of such covert testing office for the pur-
22 pose of monitoring such test and confirming the
23 identity of personnel involved in such test under
24 subparagraph (B).

1 “(B) RESPONSIBILITY OF COVER TEAM.—

2 Under this paragraph, a cover team for a covert
3 test of a transportation security system shall—

4 “(i) monitor such test; and

5 “(ii) for the purpose of ensuring the
6 security of any individual in the vicinity of
7 a site at which such test is being con-
8 ducted, confirm, notwithstanding para-
9 graph (1), the identity of any individual
10 conducting such test to any appropriate in-
11 dividual if a security screener or other in-
12 dividual who is not a covered employee
13 identifies the individual conducting such
14 test as a potential threat.

15 “(C) AVIATION SCREENING.—Notwith-

16 standing subparagraph (A), the Transportation
17 Security Administration is not required to have
18 a cover team present during a test of the
19 screening of persons, carry-on items, or checked
20 baggage at an aviation security checkpoint at or
21 serving an airport if such test—

22 “(i) is approved, in coordination with
23 the designated security official for the air-
24 port operator by the Federal Security Di-
25 rector for such airport; and

1 “(ii) is carried out under an aviation
2 screening assessment program of the De-
3 partment of Homeland Security.

4 “(D) USE OF OTHER PERSONNEL.—The
5 Transportation Security Administration may
6 use employees, officers, and contractors of the
7 Federal Government (including military per-
8 sonnel) and employees and officers of State and
9 local governments or any personnel authorized
10 by the Federal Security Director to conduct
11 covert tests.

12 “(4) DEFINITIONS.—In this subsection, the fol-
13 lowing definitions apply:

14 “(A) APPROPRIATE INDIVIDUAL.—The
15 term ‘appropriate individual’, as used with re-
16 spect to—

17 “(i) a covert test under paragraph
18 (2)(B) of a transportation security system,
19 means any individual who the individual
20 conducting such test determines needs to
21 know his or her status as an individual
22 conducting such test; or

23 “(ii) a covert test under paragraph
24 (3)(B)(i), means any individual who the
25 cover team monitoring such test deter-

1 mines needs to know the identity of such
2 cover team.

3 “(B) COVERED EMPLOYEE.—The term
4 ‘covered employee’ means any individual who
5 receives notice of a covert test before the com-
6 pletion of a test under paragraph (2)(B).

7 “(C) COVERT TEST.—

8 “(i) IN GENERAL.—The term ‘covert
9 test’ means an exercise or activity con-
10 ducted by a covert testing office, the In-
11 spector General of the Department of
12 Homeland Security, or the Government Ac-
13 countability Office to intentionally test,
14 compromise, or circumvent transportation
15 security systems to identify vulnerabilities
16 in such systems.

17 “(ii) LIMITATION.—Notwithstanding
18 clause (i), the term ‘covert test’ does not
19 mean an exercise or activity by an em-
20 ployee or contractor of the Transportation
21 Security Administration to test or assess
22 compliance with relevant regulations.

23 “(D) COVERT TESTING OFFICE.—The term
24 ‘covert testing office’ means any office of the
25 Transportation Security Administration des-

1 ignated by the Administrator of the Transpor-
2 tation Security Administration to conduct cov-
3 ert tests of transportation security systems.

4 “(E) EMPLOYEE OF A COVERT TESTING
5 OFFICE.—The term ‘employee of a covert test-
6 ing office’ means an individual who is an em-
7 ployee of a covert testing office or a contractor
8 or an employee of a contractor of a covert test-
9 ing office.”.

10 **Subtitle D—Airport Access** 11 **Controls and Perimeter Security**

12 **SEC. 1541. REFORMATION OF CERTAIN PROGRAMS OF THE** 13 **TRANSPORTATION SECURITY ADMINISTRA-** 14 **TION.**

15 (a) DEFINITIONS.—In this subtitle:

16 (1) AIR CARRIER.—The term “air carrier” has
17 the meaning given such term in section 40102 of
18 title 49, United States Code.

19 (2) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES.—The term “appropriate congressional com-
21 mittees” means the Committee on Homeland Secu-
22 rity of the House of Representatives and the Com-
23 mittee on Homeland Security and Governmental Af-
24 fairs and the Committee on Commerce, Science, and
25 Transportation of the Senate.

1 (3) FOREIGN AIR CARRIER.—The term “foreign
2 air carrier” has the meaning given such term in sec-
3 tion 40102 of title 49, United States Code.

4 (4) INTELLIGENCE COMMUNITY.—The term
5 “intelligence community” has the meaning given
6 such term in section 3(4) of the National Security
7 Act of 1947 (50 U.S.C. 3003(4)).

8 (5) SECURED AREA.—The term “secured area”
9 has the meaning given such term in section 1540.5
10 of title 49, Code of Federal Regulations.

11 (6) SECURITY IDENTIFICATION DISPLAY
12 AREA.—The term “Security Identification Display
13 Area” has the meaning given such term in section
14 1540.5 of title 49, Code of Federal Regulations.

15 (7) STERILE AREA.—The term “sterile area”
16 has the meaning given such term in section 1540.5
17 of title 49, Code of Federal Regulations.

18 (b) COST AND FEASIBILITY STUDY.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this Act, the Ad-
21 ministrator of the Transportation Security Adminis-
22 tration, in consultation with the Aviation Security
23 Advisory Committee (established under section
24 44946 of title 49, United States Code), shall submit
25 to the appropriate congressional committees and the

1 Comptroller General of the United States a cost and
2 feasibility study of a statistically significant number
3 of Category I, II, III, IV, and X airports assessing
4 the impact if all employee access points from non-
5 secured areas to secured areas of such airports are
6 comprised of the following:

7 (A) A secure door utilizing card and pin
8 entry or biometric technology.

9 (B) Surveillance video recording, capable
10 of storing video data for at least 30 days.

11 (C) Advanced screening technologies, in-
12 cluding at least one of the following:

13 (i) Magnetometer (walk-through or
14 hand-held).

15 (ii) Explosives detection canines.

16 (iii) Explosives trace detection.

17 (iv) Advanced imaging technology.

18 (v) X-ray bag screening technology.

19 (2) CONTENTS.—The study required under
20 paragraph (1) shall include information related to
21 the employee screening costs of those category I, II,
22 III, IV, and X airports which have already imple-
23 mented practices of screening 100 percent of em-
24 ployees accessing secured areas of airports, including
25 the following:

1 (A) Costs associated with establishing an
2 operational minimum number of employee entry
3 and exit points.

4 (B) A comparison of estimated costs and
5 effectiveness associated with implementing the
6 security features specified in paragraph (1)
7 to—

8 (i) the Federal Government; and

9 (ii) airports and the aviation commu-
10 nity.

11 (3) COMPTROLLER GENERAL ASSESSMENT.—

12 (A) IN GENERAL.—Upon completion of the
13 study required under paragraph (1), the Comptroller General of the United States shall review
14 such study to assess the quality and reliability
15 of such study.

16 (B) ASSESSMENT.—Not later than 90 days
17 after the receipt of the study required under
18 paragraph (1), the Comptroller General of the
19 United States shall report to the appropriate
20 congressional committees on the results of the
21 review required under subparagraph (A).

22 (c) AIRPORT WORKER EDUCATION AND SECURITY
23 AWARENESS.—
24

1 (1) COOPERATIVE EFFORTS TO ENHANCE AIR-
2 PORT SECURITY AWARENESS.—Not later than 180
3 days after the date of the enactment of this Act, the
4 Administrator of the Transportation Security Ad-
5 ministration shall work with air carriers, foreign air
6 carriers, airport operators, labor unions representing
7 credentialed employees, and the Aviation Security
8 Advisory Committee to enhance security awareness
9 of credentialed airport populations regarding insider
10 threats to aviation security and recognized practices
11 related to airport access controls.

12 (2) CREDENTIALING STANDARDS.—

13 (A) IN GENERAL.—Not later than 180
14 days after the date of the enactment of this
15 Act, the Administrator of the Transportation
16 Security Administration shall, in consultation
17 with air carriers, foreign air carriers, airport
18 operators, labor unions representing
19 credentialed employees, and the Aviation Secu-
20 rity Advisory Committee, assess credentialing
21 standards, policies, and practices to ensure that
22 insider threats to aviation security are ade-
23 quately addressed.

24 (B) REPORT.—Not later than 30 days
25 after completion of the assessment required

1 under subparagraph (A), the Administrator of
2 the Transportation Security Administration
3 shall report to the appropriate congressional
4 committees on the results of such assessment.

5 ~~(3) SIDA, STERILE AREA, AND AOA APPLICA-~~
6 ~~TIONS.—~~

7 ~~(A) SOCIAL SECURITY NUMBERS RE-~~
8 ~~QUIRED.—~~Not later than 60 days after the date
9 of the enactment of this Act, the Administrator
10 of the Transportation Security Administration
11 shall require the submission of a social security
12 number for each individual applying for a Secu-
13 rity Identification Display Area, Sterile Area, or
14 Air Operations Area airport credential to
15 strengthen security vetting effectiveness. An ap-
16 plicant who does not provide such applicant's
17 social security number may be denied such a
18 credential.

19 ~~(B) SCREENING NOTICE.—~~The Adminis-
20 trator of the Transportation Security Adminis-
21 tration shall issue requirements for airport op-
22 erators to include in applications for access to
23 a Security Identification Display Area, Sterile
24 Area, or Air Operations Area a notice informing
25 applicants that an employee holding a creden-

1 tial granting access to such an area may be
2 screened at any time while gaining access to,
3 working in, or leaving such an area.

4 (d) SECURING AIRPORT WORKER ACCESS.—

5 (1) IN GENERAL.—The Administrator of the
6 Transportation Security Administration shall work
7 with airport operators and the Aviation Security Ad-
8 visory Committee to identify advanced technologies,
9 including biometric identification technologies, for
10 securing employee access to the secured areas and
11 sterile areas of airports.

12 (2) RAP BACK VETTING.—Not later than 180
13 days after the date of the enactment of this Act, the
14 Administrator of the Transportation Security Ad-
15 ministration shall ensure that all credentialed avia-
16 tion worker populations currently requiring a finger-
17 print-based criminal record history check are con-
18 tinuously vetted through the Federal Bureau of In-
19 vestigation's Rap Back Service, in order to more
20 rapidly detect and mitigate insider threats to avia-
21 tion security.

22 (3) INSIDER THREAT EDUCATION AND MITIGA-
23 TION.—Not later than 180 days after the date of the
24 enactment of this Act, the Administrator of the
25 Transportation Security Administration shall iden-

1 tify means of enhancing the Transportation Security
2 Administration's ability to leverage the resources of
3 the Department of Homeland Security and the intel-
4 ligence community to educate Administration per-
5 sonnel on insider threats to aviation security and
6 how the Administration can better mitigate such in-
7 sider threats.

8 (4) PLAYBOOK OPERATIONS.—The Adminis-
9 trator of the Transportation Security Administration
10 shall ensure that Transportation Security Adminis-
11 tration-led employee physical inspection efforts of
12 aviation workers, known as Playbook operations, are
13 targeted, strategic, and focused on providing the
14 greatest level of security effectiveness.

15 (5) COVERT TESTING.—

16 (A) IN GENERAL.—The Administrator
17 shall conduct covert testing of Transportation
18 Security Administration-led employee inspection
19 operations at airports and measure existing lev-
20 els of security effectiveness. The Administrator
21 of the Transportation Security Administration
22 shall provide—

23 (i) the results of such testing to the
24 airport operator for the airport that is the
25 subject of any such testing, and, as appro-

1 appropriate, to air carriers and foreign air car-
2 riers that operate at the airport that is the
3 subject of such testing; and

4 (ii) recommendations and technical
5 assistance for air carriers, foreign air car-
6 riers, and airport operators to conduct
7 their own employee inspections, as needed.

8 (B) ANNUAL REPORTING.—The Adminis-
9 trator of the Transportation Security Adminis-
10 tration shall annually, for each of fiscal years
11 2018 through 2022, submit to the appropriate
12 congressional committees report on the fre-
13 quency, methodology, strategy, and effectiveness
14 of employee inspection operations at airports.

15 (6) CENTRALIZED DATABASE.—Not later than
16 180 days after the date of the enactment of this Act,
17 the Administrator of the Transportation Security
18 Administration, in consultation with the Aviation Se-
19 curity Advisory Committee, shall—

20 (A) establish a national database of indi-
21 viduals who have had either their airport or air-
22 port operator-issued badge revoked for failure
23 to comply with aviation security requirements;

1 (B) determine the appropriate reporting
2 mechanisms for air carriers, foreign air car-
3 riers, and airport operators to—

4 (i) submit to the Administrator data
5 regarding individuals described in subpara-
6 graph (A); and

7 (ii) access the database established
8 pursuant to such subparagraph; and

9 (C) establish a process to allow individuals
10 whose names were mistakenly entered into such
11 database to correct the record and have their
12 names removed from such database.

13 (e) **INSIDER THREAT COORDINATION EFFORTS.**—

14 The Department of Homeland Security is the lead inter-
15 agency coordinator pertaining to insider threat investiga-
16 tions and mitigation efforts at airports. The Department
17 shall make every practicable effort to coordinate with
18 other relevant Government entities, as well as the security
19 representatives of air carriers, foreign air carriers, and
20 airport operators, as appropriate, when undertaking such
21 investigations and efforts.

22 (f) **AIRPORT TASK FORCES.**—The Secretary of
23 Homeland Security is authorized, through the Director of
24 U.S. Immigration and Customs Enforcement, to form air-
25 port task forces using Homeland Security Investigations

1 personnel and any other Department of Homeland Secu-
2 rity personnel the Secretary determines necessary. Such
3 airport task forces shall investigate and mitigate insider
4 threats to aviation security, in coordination with Federal,
5 State, local, tribal, and territorial law enforcement part-
6 ners, as appropriate.

7 (g) INFORMATION TECHNOLOGY SECURITY.—Not
8 later than 90 days after the date of the enactment of this
9 Act, the Administrator of the Transportation Security Ad-
10 ministration shall submit to the appropriate congressional
11 committees a plan to conduct recurring reviews of the
12 operational, technical, and management security controls
13 for Administration information technology systems at air-
14 ports.

15 **SEC. 1542. AIRPORT PERIMETER AND ACCESS CONTROL SE-**
16 **CURITY.**

17 (a) RISK ASSESSMENTS OF AIRPORT SECURITY.—

18 (1) IN GENERAL.—The Administrator of the
19 Transportation Security Administration shall—

20 (A) not later than 120 days after the date
21 of the enactment of this Act, update the Trans-
22 portation Sector Security Risk Assessment
23 (TSSRA) for the aviation sector; and

24 (B) not later than 180 days after such
25 date—

1 (i) update with the latest and most
2 currently available intelligence information
3 the Comprehensive Risk Assessment of Pe-
4 rimeter and Access Control Security (in
5 this section referred to as the “Risk As-
6 sessment of Airport Security”) and deter-
7 mine a regular timeframe and schedule for
8 further updates to such Risk Assessment
9 of Airport Security; and

10 (ii) conduct a system-wide assessment
11 of airport access control points and airport
12 perimeter security, including cargo facili-
13 ties.

14 ~~(2) CONTENTS.~~—The security risk assessments
15 required under paragraph ~~(1)(B)~~ shall

16 ~~(A)~~ include updates reflected in the
17 TSSRA and Joint Vulnerability Assessment
18 ~~(JVA)~~ findings;

19 ~~(B)~~ reflect changes to the risk environment
20 relating to airport access control points and air-
21 port perimeters;

22 ~~(C)~~ use security breach data for specific
23 analysis of system-wide trends related to airport
24 access control points and airport perimeter se-

1 security to better inform risk management deci-
2 sions; and

3 ~~(D) take into consideration the unique ge-~~
4 ~~ography of and current recognized practices~~
5 ~~used by airports to mitigate potential~~
6 ~~vulnerabilities.~~

7 ~~(3) REPORT.—The Administrator of the Trans-~~
8 ~~portation Security Administration shall report to the~~
9 ~~appropriate congressional committees, relevant Fed-~~
10 ~~eral departments and agencies, and airport operators~~
11 ~~on the results of the security risk assessments re-~~
12 ~~quired under paragraph (1).~~

13 ~~(b) AIRPORT SECURITY STRATEGY DEVELOP-~~
14 ~~MENT.—~~

15 ~~(1) IN GENERAL.—Not later than 180 days~~
16 ~~after the date of the enactment of this Act, the Ad-~~
17 ~~ministrator of the Transportation Security Adminis-~~
18 ~~tration shall update the 2012 National Strategy for~~
19 ~~Airport Perimeter and Access Control Security (in~~
20 ~~this section referred to as the “National Strategy”).~~

21 ~~(2) CONTENTS.—The update to the National~~
22 ~~Strategy required under paragraph (1) shall include~~

23 ~~(A) information from the Risk Assessment~~
24 ~~of Airport Security; and~~

25 ~~(B) information on—~~

- 1 (i) airport security-related activities;
- 2 (ii) the status of efforts by the Trans-
3 portation Security Administration to ad-
4 dress the goals and objectives referred to
5 in subsection (a);
- 6 (iii) finalized outcome-based perform-
7 ance measures and performance levels for
8 each relevant activity and goal and objec-
9 tive under subparagraphs (A) and (B); and
- 10 (iv) input from airport operators.

11 (3) ~~UPDATES.~~—Not later than 90 days after
12 the update is completed under paragraph (1), the
13 Administrator of the Transportation Security Ad-
14 ministration shall implement a process for deter-
15 mining when additional updates to the strategy re-
16 ferred to in such subsection are needed.

17 **SEC. 1543. EXIT LANE SECURITY.**

18 There is authorized \$77,000,000 for each of fiscal
19 years 2018 and 2019 to carry out subsection (n)(1) of
20 section 44903 of title 49, United States Code.

1 **SEC. 1544. REIMBURSEMENT FOR DEPLOYMENT OF ARMED**
2 **LAW ENFORCEMENT PERSONNEL AT AIR-**
3 **PORTS.**

4 There is authorized \$45,000,000 for each of fiscal
5 years 2018 and 2019 to carry out subsection (h) of section
6 44901 of title 49, United States Code.

7 **Subtitle E—Air Cargo Security**

8 **SEC. 1551. AIR CARGO ADVANCE SCREENING PROGRAM.**

9 (a) **IN GENERAL.**—Subtitle B of title IV of the
10 Homeland Security Act of 2002 (6 U.S.C. 211 et seq.)
11 is amended by adding at the end the following new section:

12 **“SEC. 420. AIR CARGO ADVANCE SCREENING PROGRAM.**

13 **“(a) IN GENERAL.**—The Secretary, consistent with
14 the requirements of the Trade Act of 2002 (Public Law
15 107–210) shall—

16 **“(1)** establish an air cargo advance screening
17 program (in this section referred to as the ‘ACAS
18 Program’) for the collection by U.S. Customs and
19 Border Protection of advance electronic information
20 from air carriers and other persons within the sup-
21 ply chain regarding cargo being transported to the
22 United States by air;

23 **“(2)** under such program, require that such in-
24 formation be transmitted by such air carriers and
25 other persons at the earliest point practicable prior

1 to loading of such cargo onto an aircraft destined to
2 or transiting through the United States;

3 “(3) establish appropriate communications sys-
4 tems with freight forwarders, shippers, and air ear-
5 riers;

6 “(4) establish a system that will allow freight
7 forwarders, shippers, and air carriers to provide
8 shipment level data for air cargo, departing from
9 any location that is inbound to the United States;
10 and

11 “(5) coordinate with the Administrator of the
12 Transportation Security Administration to identify
13 opportunities in which the information furnished in
14 compliance with the ACAS Program could be used
15 by the Administrator.

16 “(b) INSPECTION OF HIGH-RISK CARGO.—Under the
17 ACAS Program, the Secretary shall ensure that all cargo
18 that has been identified as high-risk is inspected—

19 “(1) prior to the loading of such cargo onto air-
20 craft at the last point of departure, or

21 “(2) at an earlier point in the supply chain,
22 before departing for the United States.

23 “(c) CONSULTATION.—In carrying out the ACAS
24 Program, the Secretary shall consult with relevant stake-

1 holders, as appropriate, to ensure that an operationally
2 feasible and practical approach to—

3 “(1) the collection of advance information with
4 respect to cargo on aircraft departing for the United
5 States; and

6 “(2) the inspection of high-risk cargo;
7 recognizes the significant differences among air cargo
8 business models and modes of transportation.

9 “(d) ANALYSIS.—The Secretary may analyze the in-
10 formation referred to in subsection (a) in the Depart-
11 ment’s automated targeting system and integrate such in-
12 formation with other intelligence to enhance the accuracy
13 of the risk assessment process under the ACAS Program.

14 “(e) NO DUPLICATION.—The Secretary shall carry
15 out this section in a manner that, after the ACAS Pro-
16 gram is fully in effect, ensures, to the greatest extent prac-
17 ticable, that the ACAS Program does not duplicate other
18 Department programs or requirements relating to the sub-
19 mission of air cargo data or the inspection of high-risk
20 cargo.

21 “(f) CONSIDERATION OF INDUSTRY.—In carrying out
22 the ACAS Program, the Secretary shall—

23 “(1) take into consideration that the content
24 and timeliness of the available data may vary among
25 entities in the air cargo industry and among coun-

1 tries, and shall explore procedures to accommodate
2 such variations while maximizing the contribution of
3 such data to the risk assessment process under the
4 ACAS Program;

5 “(2) test the business processes, technologies,
6 and operational procedures required to provide ad-
7 vance information with respect to cargo on aircraft
8 departing for the United States and carry out re-
9 lated inspection of high-risk cargo, while ensuring
10 delays and other negative impacts on vital supply
11 chains are minimized; and

12 “(3) consider the cost, benefit, and feasibility
13 before establishing any set time period for submis-
14 sion of certain elements of the data for air cargo
15 under this section in line with the regulatory guide-
16 lines specified in Executive Order No. 13563, and
17 any successor Executive order or regulation.

18 “(g) GUIDANCE.—The Secretary shall provide guid-
19 ance for participants in the ACAS Program regarding the
20 requirements for participation, including requirements for
21 transmitting shipment level data.

22 “(h) USE OF DATA.—The Secretary shall use the
23 data provided under the ACAS Program for targeting
24 shipments for screening and aviation security purposes
25 only.”.

1 (b) **FINAL RULE.**—Not later than 180 days after the
2 date of the enactment of this Act, the Secretary of Home-
3 land Security shall issue a final regulation to implement
4 the ACAS Program under section 420 of the Homeland
5 Security Act of 2002 (as added by subsection (a) of this
6 section) to include the electronic transmission to U.S. Cus-
7 toms and Border Protection of data elements for targeting
8 cargo, including appropriate security elements of shipment
9 level data, as determined by the Secretary.

10 (c) **REPORT.**—Not later than 180 days after the date
11 of the commencement of the ACAS Program under section
12 420 of the Homeland Security Act of 2002 (as added by
13 subsection (a) of this section), the Secretary of Homeland
14 Security shall submit to the Committee on Homeland Se-
15 curity of the House of Representatives and the Committee
16 on Homeland Security and Governmental Affairs and the
17 Committee on Commerce, Science, and Transportation of
18 the Senate a report detailing the operational implementa-
19 tion of providing advance information under the ACAS
20 Program and the value of such information in targeting
21 cargo.

22 (d) **CLERICAL AMENDMENT.**—The table of contents
23 in section 1(b) of the Homeland Security Act of 2002 is
24 amended by inserting after the item relating to section
25 419 the following new item:

“Sec. 420. Air cargo advance screening program.”.

1 **SEC. 1552. EXPLOSIVES DETECTION CANINE TEAMS FOR**
2 **AIR CARGO SECURITY.**

3 Section 1307 of the Implementing Recommendations
4 of the 9/11 Commission Act of 2007 (6 U.S.C. 1116) is
5 amended by adding at the end the following new sub-
6 section:

7 “(h) EXPLOSIVES DETECTION CANINE TEAMS FOR
8 AIR CARGO SECURITY.—

9 “(1) IN GENERAL.—In order to enhance the
10 screening of air cargo and ensure that third-party
11 explosives detection canine assets are leveraged for
12 such purpose, the Administrator shall, not later than
13 180 days after the date of the enactment of this
14 subsection—

15 “(A) develop and issue standards for the
16 use of such third-party explosives detection ca-
17 nine assets for the primary screening of air
18 cargo;

19 “(B) develop a process to identify qualified
20 non-Federal entities that will certify canine as-
21 sets that meet the standards established by the
22 Administrator pursuant to subparagraph (A);

23 “(C) ensure that entities qualified to cer-
24 tify canine assets shall be independent from en-
25 tities that will train and provide canines to end
26 users of such canine assets;

1 “(D) establish a system of Transportation
2 Security Administration audits of the process
3 developed pursuant to subparagraph (B); and

4 “(E) provide that canines certified for the
5 primary screening of air cargo can be used by
6 air carriers, foreign air carriers, freight for-
7 warders, and shippers.

8 “(2) IMPLEMENTATION.—Upon completion of
9 the development of the process under subsection (a),
10 the Administrator shall—

11 “(A) facilitate the deployment of such as-
12 sets that meet the certification standards of the
13 Administration, as determined by the Adminis-
14 trator;

15 “(B) make such standards available to
16 vendors seeking to train and deploy third-party
17 explosives detection canine assets; and

18 “(C) ensure that all costs for the training
19 and certification of canines, and for the use of
20 supplied canines, are borne by private industry
21 and not the Federal Government.

22 “(3) DEFINITIONS.—In this subsection:

23 “(A) AIR CARRIER.—The term ‘air carrier’
24 has the meaning given such term in section
25 40102 of title 49, United States Code.

1 “(B) FOREIGN AIR CARRIER.—The term
2 ‘foreign air carrier’ has the meaning given such
3 term in section 40102 of title 49, United States
4 Code.

5 “(C) THIRD-PARTY EXPLOSIVES DETEC-
6 TION CANINE ASSETS.—The term ‘third-party
7 explosives detection canine assets’ means any
8 explosives detection canine or handler not
9 owned or employed, respectively, by the Admin-
10 istration.”.

11 **Subtitle F—Information Sharing** 12 **and Cybersecurity**

13 **SEC. 1561. INFORMATION SHARING AND CYBERSECURITY.**

14 (a) FEDERAL SECURITY DIRECTORS.—Section
15 44933 of title 49, United States Code, is amended by add-
16 ing at the end the following new subsection:

17 “(e) INFORMATION SHARING.—Not later than one
18 year after the date of the enactment of this subsection,
19 the Administrator shall—

20 “(1) require each Federal Security Director of
21 an airport to meet at least quarterly with the airport
22 director, airport security coordinator, and law en-
23 forcement agencies serving each such airport to dis-
24 cuss incident management protocols, including the

1 resolution of screening anomalies at passenger
2 screening checkpoints; and

3 “(2) require each Federal Security Director at
4 an airport to inform, consult, and coordinate, as ap-
5 propriate, with the respective airport security coordi-
6 nator in a timely manner on security matters im-
7 pacting airport operations and to establish and
8 maintain operational protocols with such airport op-
9 erators to ensure coordinated responses to security
10 matters.”.

11 (b) PLAN TO IMPROVE INFORMATION SHARING.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this Act, the Sec-
14 retary of Homeland Security, acting through the Ad-
15 ministrator of the Transportation Security Adminis-
16 tration, shall develop a plan to improve intelligence
17 information sharing with State and local transpor-
18 tation entities that includes best practices to ensure
19 that the information shared is actionable, useful,
20 and not redundant.

21 (2) CONTENTS.—The plan required under sub-
22 section (a) shall include the following:

23 (A) The incorporation of best practices for
24 information sharing.

1 (B) The identification of areas of overlap
2 and redundancy.

3 (C) An evaluation and incorporation of
4 stakeholder input in the development of such
5 plan.

6 (D) The integration of recommendations of
7 the Comptroller General of the United States
8 on information sharing.

9 (3) SOLICITATION.—The Administrator shall
10 solicit on an annual basis input from appropriate
11 stakeholders, including State and local transpor-
12 tation entities, on the quality and quantity of intel-
13 ligence received by such stakeholders relating to in-
14 formation sharing.

15 (c) BEST PRACTICES SHARING.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of the enactment of this Act, the Sec-
18 retary of Homeland Security, acting through the Ad-
19 ministrator of the Transportation Security Adminis-
20 tration, shall establish a mechanism to share with
21 State and local transportation entities best practices
22 from across the law enforcement spectrum, including
23 Federal, State, local, and tribal entities, that relate
24 to employee training, employee professional develop-
25 ment, technology development and deployment, hard-

1 ening tactics, and passenger and employee aware-
2 ness programs.

3 ~~(2) CONSULTATION.~~—The Administrator of the
4 Transportation Security Administration shall solicit
5 and incorporate stakeholder input—

6 ~~(A)~~ in developing the mechanism for shar-
7 ing best practices as required under paragraph
8 ~~(1)~~; and

9 ~~(B)~~ not less frequently than once each year
10 on the quality and quantity of information such
11 stakeholders receive through the mechanism es-
12 tablished under such subsection.

13 ~~(d) CYBERSECURITY.~~—

14 ~~(1) IN GENERAL.~~—The Secretary of Homeland
15 Security shall—

16 ~~(A)~~ not later than 120 days after the date
17 of the enactment of this Act, develop and imple-
18 ment a cybersecurity risk assessment model for
19 aviation security, consistent with the National
20 Institute of Standards and Technology Frame-
21 work for Improvement Critical Infrastructure
22 Cybersecurity and any update to such Frame-
23 work pursuant to section 2 of the National In-
24 stitute of Standards and Technology Act (15

1 U.S.C. 272), to evaluate current and future cy-
2 bersecurity risks;

3 (B) evaluate, on a periodic basis, but not
4 less often than once every two years, the effec-
5 tiveness of the cybersecurity risk assessment
6 model under subparagraph (A);

7 (C) seek to ensure participation of at least
8 one information sharing and analysis organiza-
9 tion (as such term is defined in section 212 of
10 the Homeland Security Act of 2002 (6 U.S.C.
11 131)) representing the aviation community in
12 the national cybersecurity and communications
13 integration center, pursuant to subsection
14 (d)(1)(B) of section 227 of the Homeland Secu-
15 rity Act of 2002 (6 U.S.C. 148);

16 (D) establish guidelines for voluntary re-
17 porting of aviation-related cybersecurity risks
18 and incidents to the national cybersecurity and
19 communications integration center under sec-
20 tion 227 of the Homeland Security Act of 2002,
21 and other appropriate Federal agencies; and

22 (E) request the Aviation Security Advisory
23 Committee established pursuant to section
24 44946 of title 49, United States Code, to report
25 and make recommendations to the Secretary on

1 enhancing the sharing of information related to
2 aviation-related cybersecurity risks and inci-
3 dents between relevant Federal, state, local,
4 tribal, and territorial entities and the aviation
5 stakeholder community.

6 ~~(2) CYBERSECURITY ENHANCEMENTS TO AVIA-~~
7 ~~TION SECURITY ACTIVITIES.—~~The Secretary of
8 Homeland Security, in consultation with the Sec-
9 retary of Transportation, shall—

10 (A) direct the sharing of information con-
11 cerning cybersecurity risks and incidents to ad-
12 dress aviation-specific risks; and

13 (B) upon request, conduct cybersecurity
14 vulnerability assessments for airports and air
15 carriers.

16 ~~(3) TSA DATABASE CYBER ASSESSMENT.—~~

17 (A) ~~ASSESSMENT REQUIRED.—~~Not later
18 than 120 days after the date of the enactment
19 of this Act, the Secretary of Homeland Security
20 shall evaluate the cybersecurity of the Trans-
21 portation Security Administration databases for
22 trusted traveler and credentialing programs
23 that contain personal information of specific in-
24 dividuals or information that identifies specific
25 individuals, including the Transportation Work-

1 er Identification Credential and Pre-Check
2 trusted traveler programs, and the means for
3 transmission of data to and from such data-
4 bases and develop information on any identified
5 cybersecurity vulnerabilities and remediation
6 plans to address such vulnerabilities;

7 (B) SUBMISSION TO CONGRESS.—Not later
8 than 30 days after the completion of the evalua-
9 tion required under subparagraph (A), the Sec-
10 retary shall submit to the Committee on Home-
11 land Security of the House of Representatives
12 and the Committee on Commerce, Science, and
13 Transportation of the Senate information relat-
14 ing to such evaluation. Such submission shall be
15 provided in a classified form.

16 (C) SUBMISSION OF SUPPLEMENTARY IN-
17 FORMATION.—Not later than 90 days after the
18 completion of such evaluation, the Secretary
19 shall submit to the Committee on Homeland
20 Security of the House of Representatives and
21 the Committee on Commerce, Science, and
22 Transportation of the Senate supplementary in-
23 formation relating to such evaluation, including
24 information relating to any identified cybersecu-
25 rity vulnerabilities and remediation plans to ad-

1 dress such vulnerabilities. Such submission shall
2 be provided in a classified form.

3 (4) DEFINITIONS.—In this subsection, the
4 terms “cybersecurity risk” and “incident” have the
5 meanings given such terms in section 227 of the
6 Homeland Security Act of 2002.

7 **Subtitle G—Surface Transportation** 8 **Security**

9 **SEC. 1571. DEFINITIONS.**

10 In this subtitle:

11 (1) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term “appropriate congressional com-
13 mittees” means the Committee on Homeland Secu-
14 rity and the Committee on Transportation and In-
15 frastructure of the House of Representatives and the
16 Committee on Commerce, Science, and Transpor-
17 tation of the Senate.

18 (2) EXPLOSIVES DETECTION CANINE TEAM.—
19 The term “explosives detection canine team” means
20 a canine and a canine handler trained to detect ex-
21 plosives and other threats as determined by the Sec-
22 retary.

23 (3) RISK.—The term “risk” means the poten-
24 tial for an unwanted outcome resulting from an acci-

1 dent, event, or occurrence, as determined by its like-
2 lihood and the associated consequences.

3 (4) **THREAT.**—The term “threat” means an in-
4 dividual, entity, action, or natural or manmade oc-
5 currence that has or indicates the potential to harm
6 life, information, operations, the environment, or
7 property.

8 (5) **VULNERABILITY.**—The term “vulnerability”
9 means a physical feature or operational attribute
10 that renders an entity open to exploitation or sus-
11 ceptible to a given hazard.

12 **SEC. 1572. SURFACE TRANSPORTATION SECURITY ASSESS-**
13 **MENT AND IMPLEMENTATION OF RISK-**
14 **BASED STRATEGY.**

15 (a) **SECURITY ASSESSMENT.**—

16 (1) **IN GENERAL.**—Not later than one year
17 after the date of the enactment of this Act, the Sec-
18 retary of Homeland Security shall complete an as-
19 sessment of the vulnerabilities of and risks to sur-
20 face transportation systems, including findings from
21 similar vulnerability analyses completed within three
22 years of the date of the enactment of this Act.

23 (2) **CONSIDERATIONS.**—In conducting the secu-
24 rity assessment under paragraph (1), the Secretary
25 of Homeland Security shall, at a minimum—

1 (A) consider appropriate intelligence;

2 (B) consider security breaches and attacks
3 at domestic and international transportation fa-
4 cilities;

5 (C) consider the vulnerabilities and risks
6 associated with specific modes of surface trans-
7 portation systems;

8 (D) evaluate the vetting and security train-
9 ing of—

10 (i) employees in surface transpor-
11 tation systems; and

12 (ii) other individuals with access to
13 sensitive or secure areas of transportation
14 systems; and

15 (E) consider input from—

16 (i) representatives of different modes
17 of surface transportation systems;

18 (ii) subject to paragraph (3)—

19 (I) critical infrastructure entities;
20 and

21 (II) the Transportation Systems
22 Sector Coordinating Council; and

23 (iii) the heads of other relevant Fed-
24 eral departments or agencies.

25 (b) RISK-BASED SECURITY STRATEGY.—

1 (1) ~~IN GENERAL.~~—Not later than 180 days
2 after the date the security assessment under sub-
3 section (a) is complete, the Secretary of Homeland
4 Security shall use the results of such assessment—

5 (A) to develop and implement a cross-cut-
6 ting, risk-based security strategy that in-
7 cludes—

8 (i) all surface transportation systems;

9 (ii) a mitigating strategy that aligns
10 with each vulnerability and risk identified
11 in subsection (a);

12 (iii) a planning process to inform re-
13 source allocation;

14 (iv) priorities, milestones, and per-
15 formance metrics to measure the effective-
16 ness of such risk-based security strategy;
17 and

18 (v) processes for sharing relevant and
19 timely intelligence threat information with
20 appropriate stakeholders;

21 (B) to develop a management oversight
22 strategy that—

23 (i) identifies the parties responsible
24 for the implementation, management, and

1 oversight of the risk-based security strat-
2 egy under subparagraph (A); and

3 (ii) includes a plan for implementing
4 such risk-based security strategy; and

5 (C) to modify the risk-based budget and
6 resource allocations, in accordance with section
7 573(e), for the Transportation Security Admin-
8 istration.

9 ~~(2) COORDINATED APPROACH.~~—In developing
10 and implementing the risk-based security strategy
11 under paragraph (1)(A), the Secretary of Homeland
12 Security shall coordinate with the heads of other rel-
13 evant Federal departments or agencies, and stake-
14 holders, as appropriate—

15 (A) to evaluate existing surface transpor-
16 tation security programs, policies, and initia-
17 tives, including the explosives detection canine
18 teams, for consistency with the risk-based secu-
19 rity strategy and, to the extent practicable,
20 avoid any unnecessary duplication of effort;

21 (B) to determine the extent to which stake-
22 holder security programs, policies, and initia-
23 tives address the vulnerabilities and risks to
24 surface transportation systems identified in
25 subsection (a); and

1 ~~(C)~~ subject to subparagraph ~~(B)~~, to miti-
2 gate each such vulnerability and risk.

3 ~~(c) REPORT.—~~

4 ~~(1) IN GENERAL.—~~Not later than one year
5 after the date the security assessment under sub-
6 section ~~(a)~~ is complete, the Secretary of Homeland
7 Security shall submit to the appropriate congress-
8 sional committees and the Inspector General of the
9 Department of Homeland Security a report that—

10 ~~(A)~~ describes the process used to complete
11 such security assessment;

12 ~~(B)~~ describes the process used to develop
13 the risk-based security strategy under sub-
14 section ~~(b)(1)(A)~~;

15 ~~(C)~~ describes such risk-based security
16 strategy;

17 ~~(D)~~ includes the management oversight
18 strategy under subsection ~~(b)(1)(B)~~;

19 ~~(E)~~ includes—

20 ~~(i)~~ the findings of such security as-
21 sessment;

22 ~~(ii)~~ a description of the actions rec-
23 ommended or taken by the Department or
24 another Federal department or agency to

1 mitigate the vulnerabilities and risks iden-
2 tified in subsection (a);

3 (iii) any recommendations for improv-
4 ing the coordinated approach to mitigating
5 vulnerabilities and risks to surface trans-
6 portation systems; and

7 (iv) any recommended changes to the
8 National Infrastructure Protection Plan
9 developed pursuant to Homeland Security
10 Presidential Directive 7, the modal an-
11 nexes to such plan, or relevant surface
12 transportation security programs, policies,
13 or initiatives; and

14 (F) may contain a classified annex.

15 (2) PROTECTIONS.—In preparing the report re-
16 quired under paragraph (1), the Secretary of Home-
17 land Security shall take appropriate actions to safe-
18 guard information described by section 552(b) of
19 title 5, United States Code, or protected from disclo-
20 sure by any other law of the United States.

21 (d) UPDATES.—Not less frequently than semiannu-
22 ally, the Secretary of Homeland Security shall report to
23 or brief the appropriate congressional committees on the
24 vulnerabilities of and risks to surface transportation sys-

1 tems and how such vulnerabilities and risks affect the
2 risk-based security strategy under subsection (b)(1)(A).

3 **SEC. 1573. RISK-BASED BUDGETING AND RESOURCE ALLO-**
4 **CATION.**

5 (a) REPORT.—In conjunction with the submission of
6 the Department’s annual budget request to the Office of
7 Management and Budget, the Administrator of the Trans-
8 portation Security Administration shall submit to the ap-
9 propriate congressional committees a report that describes
10 a risk-based budget and resource allocation plan for sur-
11 face transportation sectors, within and across modes,
12 that—

13 (1) reflects the risk-based security strategy
14 under section 572(b)(1)(A); and

15 (2) is organized by appropriations account, pro-
16 gram, project, and initiative.

17 (b) BUDGET TRANSPARENCY.—Subsection (a) of sec-
18 tion 1105 of title 31, United States Code, is amended by
19 adding at the end the following new paragraph:

20 “(40) a separate statement clearly distin-
21 guishing the resources requested for surface trans-
22 portation security from the resources requested for
23 aviation security.”.

24 (c) RESOURCE REALLOCATION.—

1 (1) IN GENERAL.—Not later than 15 days after
2 the date on which the Transportation Security Ad-
3 ministration allocates any resources or personnel, in-
4 cluding personnel sharing, detailing, or assignment,
5 or the use of facilities, technology systems, or vet-
6 ting resources, for a non-transportation security pur-
7 pose or National Special Security Event (as defined
8 in section 2001 of Homeland Security Act of 2002
9 (6 U.S.C. 601)), the Secretary of Homeland Secu-
10 rity shall provide to the appropriate congressional
11 committees the notification described in paragraph
12 (2).

13 (2) NOTIFICATION.—A notification described in
14 this paragraph shall include—

15 (A) the reason for and a justification of
16 the resource or personnel allocation at issue;

17 (B) the expected end date of such resource
18 or personnel allocation; and

19 (C) the projected cost to the Transpor-
20 tation Security Administration of such per-
21 sonnel or resource allocation.

1 **SEC. 1574. SURFACE TRANSPORTATION SECURITY MANAGE-**
2 **MENT AND INTERAGENCY COORDINATION**
3 **REVIEW.**

4 (a) REVIEW.—Not later than one year after the date
5 of the enactment of this Act, the Comptroller General of
6 the United States shall—

7 (1) review the staffing, budget, resource, and
8 personnel allocation, and management oversight
9 strategy of the Transportation Security Administra-
10 tion’s surface transportation security programs;

11 (2) review the coordination between relevant en-
12 tities of leadership, planning, policy, inspections, and
13 implementation of security programs relating to sur-
14 face transportation to reduce redundancy and regu-
15 latory burden; and

16 (3) submit to the appropriate congressional
17 committees a report on the findings of the reviews
18 under paragraphs (1) and (2), including any rec-
19 ommendations for improving coordination between
20 relevant entities and reducing redundancy and regu-
21 latory burden.

22 (b) RELEVANT ENTITIES DEFINED.—In this section,
23 the term “relevant entities” means—

24 (1) the Transportation Security Administration;

1 (2) other Federal, State, or local departments
2 or agencies with jurisdiction over a mode of surface
3 transportation;

4 (3) critical infrastructure entities;

5 (4) the Transportation Systems Sector Coordinating Council; and

7 (5) relevant stakeholders.

8 **SEC. 1575. TRANSPARENCY.**

9 (a) REGULATIONS.—Not later than 180 days after
10 the date of the enactment of this Act and every 180 days
11 thereafter, the Administrator of the Transportation Security Administration shall make available through a public
12 website information regarding the status of each regulation relating to surface transportation security that is directed by law to be issued but that has not been issued
13 if more than two years have passed since the date of enactment of each such law.

18 (b) INSPECTOR GENERAL REVIEW.—Not later than
19 180 days after the date of the enactment of this Act and
20 every two years thereafter until all of the requirements
21 under titles XIII, XIV, and XV of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6
22 U.S.C. 1111 et seq.) and under this Act have been fully
23 implemented, the Inspector General of the Department of
24

1 Homeland Security shall submit to the appropriate con-
2 gressional committees a report that—

3 (1) identifies the requirements under such titles
4 of such Act and under this Act that have not been
5 fully implemented;

6 (2) describes what, if any, additional action is
7 necessary; and

8 (3) includes recommendations regarding wheth-
9 er any of such requirements should be amended or
10 repealed.

11 **SEC. 1576. TSA COUNTERTERRORISM ASSET DEPLOYMENT.**

12 (a) **IN GENERAL.**—The Administrator of the Trans-
13 portation Security Administration is authorized to main-
14 tain 30 Visible Intermodal Prevention and Response
15 (VIPR) teams for deployment, at the request of and in
16 collaboration with Federal, State, and local transportation
17 stakeholders, to prevent and deter acts of terrorism
18 against United States transportation systems and for
19 other counterterrorism purposes. Starting in January
20 2019 and for five years thereafter, the Administrator shall
21 annually assess whether the number of VIPR teams is
22 adequate to respond to requests for collaboration from
23 Federal, State, and local transportation stakeholders and
24 to carry out counterterrorism activities with respect to
25 United States transportation systems.

1 (b) CONGRESSIONAL NOTIFICATION.—If the Admin-
2 istrator of the Transportation Security Administration de-
3 termines that the number of VIPR teams should be re-
4 duced below 30, the Administrator shall notify the Com-
5 mittee on Homeland Security of the House of Representa-
6 tives and the Committee on Commerce, Science, and
7 Transportation of the Senate not later than 90 days prior
8 to such a determination.

9 (c) REPORT TO CONGRESS.—Not later than 60 days
10 after the development and implementation of the perform-
11 ance measures and objectives required under subsection
12 (f), the Administrator of the Transportation Security Ad-
13 ministration shall report to the Committee on Homeland
14 Security of the House of Representatives and the Com-
15 mittee on Commerce, Science, and Transportation of the
16 Senate on the appropriate number of VIPR teams needed
17 by the Administration.

18 (d) STAKEHOLDER NOTIFICATION.—If the Transpor-
19 tation Security Administration deploys any counterter-
20 rorism personnel or resource, such as explosive detection
21 assets, property inspections, or patrols by VIPR teams,
22 to enhance security at a surface transportation system or
23 surface transportation facility for a period of not less than
24 180 consecutive days, the Administrator shall provide suf-
25 ficient notification to the system or facility operator, as

1 applicable, not less than 14 days prior to terminating the
2 deployment.

3 (e) EXCEPTION.—Subsection (d) shall not apply if
4 the Administrator of the Transportation Security Admin-
5 istration—

6 (1) determines there is an urgent security need
7 for the personnel or resource described in such sub-
8 section; and

9 (2) notifies the Committee on Homeland Secu-
10 rity of the House of Representatives and the Com-
11 mittee on Commerce, Science, and Transportation of
12 the Senate.

13 (f) VIPR TEAMS.—Section 1303 of the Implementing
14 Recommendations of the 9/11 Commission Act of 2007 (6
15 U.S.C. 1112) is amended—

16 (1) in subsection (a)(4), by striking “team,”
17 and inserting “team as to specific locations and
18 times within the facilities of such entities at which
19 VIPR teams are to be deployed to maximize the ef-
20 fectiveness of such deployment,”; and

21 (2) by striking subsection (b) and inserting the
22 following new subsections:

23 “(b) PERFORMANCE MEASURES.—Not later than one
24 year after the date of the enactment of this subsection,
25 the Administrator shall develop and implement a system

1 of qualitative performance measures and objectives by
2 which to assess the roles, activities, and effectiveness of
3 VIPR team operations on an ongoing basis, including a
4 mechanism through which the transportation entities re-
5 ferred to in subsection (a)(4) may submit feedback on
6 VIPR team operations involving their systems or facilities.

7 “(c) PLAN.—Not later than one year after the date
8 of the enactment of this section, the Administrator shall
9 develop and implement a plan for ensuring the interoper-
10 ability of communications among VIPR team participants
11 and between VIPR teams and any transportation entities
12 with systems or facilities that are involved in VIPR team
13 operations. Such plan shall include an analysis of the costs
14 and resources required to carry out such plan.”

15 **SEC. 1577. SURFACE TRANSPORTATION SECURITY ADVI-**
16 **SORY COMMITTEE.**

17 (a) IN GENERAL.—Subchapter II of chapter 449 of
18 title 49, United States Code, is amended by adding at the
19 end the following new section:

20 **“§ 44947. Surface Transportation Security Advisory**
21 **Committee**

22 “(a) ESTABLISHMENT.—The Administrator of the
23 Transportation Security Administration (referred to in
24 this section as the ‘Administrator’) shall establish within
25 the Transportation Security Administration the Surface

1 Transportation Security Advisory Committee (referred to
2 in this section as the ‘Advisory Committee’).

3 “(b) DUTIES.—

4 “(1) IN GENERAL.—The Advisory Committee
5 may advise, consult with, report to, and make rec-
6 ommendations to the Administrator on surface
7 transportation security matters, including the devel-
8 opment, refinement, and implementation of policies,
9 programs, initiatives, rulemakings, and security di-
10 rectives pertaining to surface transportation secu-
11 rity.

12 “(2) RISK-BASED SECURITY.—The Advisory
13 Committee shall consider risk-based security ap-
14 proaches in the performance of its duties.

15 “(c) MEMBERSHIP.—

16 “(1) COMPOSITION.—The Advisory Committee
17 shall be composed of—

18 “(A) voting members appointed by the Ad-
19 ministrator under paragraph (2); and

20 “(B) nonvoting members, serving in an ad-
21 visory capacity, who shall be designated by—

22 “(i) the Transportation Security Ad-
23 ministration;

24 “(ii) the Department of Transpor-
25 tation; and

1 “(iii) such other Federal department
2 or agency as the Administrator considers
3 appropriate.

4 “(2) APPOINTMENT.—The Administrator shall
5 appoint voting members from among stakeholders
6 representing each mode of surface transportation,
7 such as passenger rail, freight rail, mass transit,
8 pipelines, highways, over-the-road bus, and trucking,
9 including representatives from—

10 “(A) associations representing such modes
11 of surface transportation;

12 “(B) labor organizations representing such
13 modes of surface transportation;

14 “(C) groups representing the users of such
15 modes of surface transportation, including asset
16 manufacturers, as appropriate;

17 “(D) relevant law enforcement, first re-
18 sponders, and security experts; and

19 “(E) such other groups as the Adminis-
20 trator considers appropriate.

21 “(3) CHAIRPERSON.—The Advisory Committee
22 shall select a chairperson from among its voting
23 members.

24 “(4) TERM OF OFFICE.—

25 “(A) TERMS.—

1 “(i) IN GENERAL.—The term of each
2 voting member of the Advisory Committee
3 shall be two years, but a voting member
4 may continue to serve until the Adminis-
5 trator appoints a successor.

6 “(ii) REAPPOINTMENT.—A voting
7 member of the Advisory Committee may be
8 reappointed.

9 “(B) REMOVAL.—

10 “(i) IN GENERAL.—The Administrator
11 may review the participation of a member
12 of the Advisory Committee and remove
13 such member for cause at any time.

14 “(ii) ACCESS TO CERTAIN INFORMA-
15 TION.—The Administrator may remove
16 any member of the Advisory Committee
17 who the Administrator determines should
18 be restricted from reviewing, discussing, or
19 possessing classified information or sen-
20 sitive security information.

21 “(5) PROHIBITION ON COMPENSATION.—The
22 members of the Advisory Committee may not receive
23 any compensation from the Government by reason of
24 their service on the Advisory Committee.

25 “(6) MEETINGS.—

1 “(A) IN GENERAL.—The Advisory Com-
2 mittee shall meet at least semiannually in per-
3 son or through web conferencing, and may con-
4 vene additional meetings as necessary.

5 “(B) PUBLIC MEETINGS.—At least one of
6 the meetings of the Advisory Committee each
7 year shall be—

8 “(i) announced in the Federal Reg-
9 ister;

10 “(ii) announced on a public website;
11 and

12 “(iii) open to the public.

13 “(C) ATTENDANCE.—The Advisory Com-
14 mittee shall maintain a record of the persons
15 present at each meeting.

16 “(D) MINUTES.—

17 “(i) IN GENERAL.—Unless otherwise
18 prohibited by Federal law, minutes of the
19 meetings of the Advisory Committee shall
20 be published on the public website under
21 subsection (c)(5).

22 “(ii) PROTECTION OF CLASSIFIED
23 AND SENSITIVE INFORMATION.—The Advi-
24 sory Committee may redact or summarize,
25 as necessary, minutes of the meetings to

1 protect classified information or sensitive
2 security information in accordance with
3 law.

4 “(7) VOTING MEMBER ACCESS TO CLASSIFIED
5 INFORMATION AND SENSITIVE SECURITY INFORMA-
6 TION.—

7 “(A) DETERMINATIONS.—Not later than
8 60 days after the date on which a voting mem-
9 ber is appointed to the Advisory Committee but
10 before such voting member may be granted any
11 access to classified information or sensitive se-
12 curity information, the Administrator shall de-
13 termine if such voting member should be re-
14 stricted from reviewing, discussing, or pos-
15 sessed classified information or sensitive secu-
16 rity information.

17 “(B) ACCESS.—

18 “(i) SENSITIVE SECURITY INFORMA-
19 TION.—If a voting member is not re-
20 stricted from reviewing, discussing, or pos-
21 sessed sensitive security information
22 under subparagraph (A) and voluntarily
23 signs a nondisclosure agreement, such vot-
24 ing member may be granted access to sen-
25 sive security information that is relevant

1 to such voting member's service on the Ad-
2 visory Committee.

3 “(ii) CLASSIFIED INFORMATION.—Ac-
4 cess to classified materials shall be man-
5 aged in accordance with Executive Order
6 No. 13526 of December 29, 2009 (75 Fed.
7 Reg. 707), or any subsequent cor-
8 responding Executive order.

9 “(C) PROTECTIONS.—

10 “(i) SENSITIVE SECURITY INFORMA-
11 TION.—Voting members shall protect sen-
12 sitive security information in accordance
13 with part 1520 of title 49, Code of Federal
14 Regulations.

15 “(ii) CLASSIFIED INFORMATION.—
16 Voting members shall protect classified in-
17 formation in accordance with the applica-
18 ble requirements for the particular level of
19 classification of such information.

20 “(8) JOINT COMMITTEE MEETINGS.—The Advi-
21 sory Committee may meet with one or more of the
22 following advisory committees to discuss multimodal
23 security issues and other security-related issues of
24 common concern.

1 “(A) Aviation Security Advisory Com-
2 mittee, established under section 44946 of title
3 49, United States Code.

4 “(B) Maritime Security Advisory Com-
5 mittee, established under section 70112 of title
6 46, United States Code.

7 “(C) Railroad Safety Advisory Committee,
8 established by the Federal Railroad Administra-
9 tion.

10 “(9) SUBJECT MATTER EXPERTS.—The Advi-
11 sory Committee may request the assistance of sub-
12 ject matter experts with expertise related to the ju-
13 risdiction of the Advisory Committee.

14 “(d) REPORTS.—

15 “(1) PERIODIC REPORTS.—The Advisory Com-
16 mittee shall periodically submit to the Administrator
17 reports on matters requested by the Administrator
18 or by a majority of the members of the Advisory
19 Committee.

20 “(2) ANNUAL REPORT.—

21 “(A) SUBMISSION.—The Advisory Com-
22 mittee shall submit to the Administrator and
23 the Committee on Homeland Security and the
24 Committee on Transportation and Infrastruc-
25 ture of the House of Representatives and the

1 Committee on Homeland Security and Govern-
2 mental Affairs and the Committee on Com-
3 merce, Science, and Transportation of the Sen-
4 ate an annual report that provides information
5 on the activities, findings, and recommendations
6 of the Advisory Committee during the preceding
7 year.

8 “(B) PUBLICATION.—Not later than six
9 months after the date that the Administrator
10 receives an annual report under subparagraph
11 (A), the Administrator shall publish a public
12 version of such report, in accordance with sec-
13 tion 552a(b) of title 5, United States Code.

14 “(e) ADMINISTRATION RESPONSE.—

15 “(1) CONSIDERATION.—The Administrator
16 shall consider the information, advice, and rec-
17 ommendations of the Advisory Committee in formu-
18 lating policies, programs, initiatives, rulemakings,
19 and security directives pertaining to surface trans-
20 portation security efforts.

21 “(2) FEEDBACK.—Not later than 90 days after
22 the date that the Administrator receives a rec-
23 ommendation from the Advisory Committee under
24 subsection (d)(2), the Administrator shall submit to

1 the Advisory Committee written feedback on such
2 recommendation, including—

3 “(A) if the Administrator agrees with such
4 recommendation, a plan describing the actions
5 that the Administrator has taken, will take, or
6 recommends that the head of another Federal
7 department or agency take to implement such
8 recommendation; or

9 “(B) if the Administrator disagrees with
10 such recommendation, a justification for such
11 disagreement.

12 “(3) NOTICES.—Not later than 30 days after
13 the date the Administrator submits feedback under
14 paragraph (2), the Administrator shall—

15 “(A) notify the Committee on Homeland
16 Security and the Committee on Transportation
17 and Infrastructure of the House of Representa-
18 tives and the Committee on Homeland Security
19 and Governmental Affairs and the Committee
20 on Commerce, Science, and Transportation of
21 the Senate of such feedback, including the
22 agreement or disagreement under subparagraph
23 (A) or subparagraph (B) of such paragraph, as
24 applicable; and

1 “(B) provide the committees specified in
2 subparagraph (A) with a briefing upon request.

3 “(4) UPDATES.—Not later than 90 days after
4 the date the Administrator receives a recommenda-
5 tion from the Advisory Committee under subsection
6 (d)(2) that the Administrator agrees with, and quar-
7 terly thereafter until such recommendation is fully
8 implemented, the Administrator shall submit to the
9 Committee on Homeland Security and the Com-
10 mittee on Transportation and Infrastructure of the
11 House of Representatives and the Committee on
12 Homeland Security and Governmental Affairs and
13 the Committee on Commerce, Science, and Trans-
14 portation of the Senate a report or post on the pub-
15 lic website under paragraph (5) an update on the
16 status of such recommendation.

17 “(5) WEBSITE.—The Administrator shall main-
18 tain a public website that—

19 “(A) lists the members of the Advisory
20 Committee;

21 “(B) provides the contact information for
22 the Advisory Committee; and

23 “(C) information relating to meetings,
24 minutes, annual reports, and the implementa-
25 tion of recommendations under this section.

1 “(f) NONAPPLICABILITY OF FACA.—The Federal
2 Advisory Committee Act (5 U.S.C. App.) shall not apply
3 to the Advisory Committee or any subcommittee estab-
4 lished under this section.”

5 (b) ADVISORY COMMITTEE MEMBERS.—

6 (1) VOTING MEMBERS.—Not later than 180
7 days after the date of the enactment of this Act, the
8 Administrator of the Transportation Security Ad-
9 ministration shall appoint the voting members of the
10 Surface Transportation Security Advisory Com-
11 mittee established under section 44947 of title 49,
12 United States Code, as added by subsection (a) of
13 this section.

14 (2) NONVOTING MEMBERS.—Not later than 90
15 days after the date of the enactment of this Act,
16 each Federal Government department and agency
17 with regulatory authority over a mode of surface
18 transportation, as the Administrator of the Trans-
19 portation Security Administration considers appro-
20 priate, shall designate an appropriate representative
21 to serve as a nonvoting member of the Surface
22 Transportation Security Advisory Committee.

23 (c) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 449 of title 49, United States Code, is amended by

1 inserting after the item relating to section 44946 the fol-
2 lowing new item:

“44947. Surface Transportation Security Advisory Committee.”.

3 **SEC. 1578. REVIEW OF THE EXPLOSIVES DETECTION CA-**
4 **NINE TEAM PROGRAM.**

5 (a) IN GENERAL.—Not later than 90 days after the
6 date that the Inspector General of the Department of
7 Homeland Security receives the report under section
8 572(c), the Inspector General shall—

9 (1) review the explosives detection canine team
10 program of the Department, including—

11 (A) the development by the Transportation
12 Security Administration of a deployment strat-
13 egy for explosives detection canine teams;

14 (B) the national explosives detection canine
15 team training program, including canine train-
16 ing, handler training, refresher training, and
17 updates to such training; and

18 (C) the use of the canine assets during an
19 urgent security need, including the reallocation
20 of such program resources outside the transpor-
21 tation systems sector during an urgent security
22 need; and

23 (2) submit to the appropriate congressional
24 committees a report on such review, including any
25 recommendations.

1 (b) CONSIDERATIONS.—In conducting the review of
2 the deployment strategy under subsection (a)(1)(A), the
3 Inspector General of the Department of Homeland Security
4 shall consider whether the Transportation Security
5 Administration’s method to analyze the risk to transportation
6 facilities and transportation systems is appropriate.

7 **SEC. 1579. EXPANSION OF NATIONAL EXPLOSIVES DETECTION**
8 **CANINE TEAM PROGRAM.**

9 (a) IN GENERAL.—The Secretary of Homeland Security,
10 where appropriate, shall encourage State, local, and
11 tribal governments and private owners of high-risk transportation
12 facilities to strengthen security through the use
13 of explosives detection canine teams.

14 (b) INCREASED CAPACITY.—

15 (1) IN GENERAL.—Before the date the Inspector
16 General of the Department of Homeland Security
17 submits the report under section 578, the Administrator
18 of the Transportation Security Administration may increase
19 the number of State and local surface and maritime
20 transportation explosives detection canine teams by not more
21 than 70 such teams.
22

23 (2) ADDITIONAL TEAMS.—Beginning on the
24 date the Inspector General of the Department of
25 Homeland Security submits the report under section

1 578, the Secretary of Homeland Security may in-
2 crease the State and local surface and maritime
3 transportation explosives detection canine teams by
4 not more than 200 such teams unless more of such
5 teams are needed as identified in the risk-based se-
6 curity strategy under section 572(b)(1)(A), con-
7 sistent with section 573 or with the President's most
8 recent budget submitted under section 1105 of title
9 31, United States Code.

10 (3) RECOMMENDATIONS.—Before initiating any
11 increase in the number of explosives detection teams
12 under paragraph (2), the Secretary of Homeland Se-
13 curity shall consider any recommendations in the re-
14 port under section 578 on the efficacy and manage-
15 ment of the explosives detection canine program of
16 the Department of Homeland Security.

17 (c) DEPLOYMENT.—The Secretary of Homeland Se-
18 curity shall—

19 (1) use any additional explosives detection ca-
20 nine teams, as described in subsection (b)(1), as
21 part of the Department of Homeland Security's ef-
22 forts to strengthen security across the Nation's sur-
23 face and maritime transportation systems;

24 (2) make available explosives detection canine
25 teams to all modes of transportation, subject to the

1 requirements under section 576, to address specific
2 vulnerabilities or risks, on an as-needed basis and as
3 otherwise determined appropriate by the Secretary;
4 and

5 (3) consider specific needs and training require-
6 ments for explosives detection canine teams to be de-
7 ployed across the Nation's surface and maritime
8 transportation systems, including in venues of mul-
9 tiple modes of transportation, as the Secretary con-
10 siders appropriate.

11 **SEC. 1580. EXPLOSIVE DETECTION TECHNOLOGY.**

12 The Secretary of Homeland Security shall prioritize
13 the research and facilitation of next generation tech-
14 nologies to detect explosives in the Nation's surface trans-
15 portation systems.

16 **SEC. 1581. STUDY ON SECURITY STANDARDS AND BEST**
17 **PRACTICES FOR UNITED STATES AND FOR-**
18 **EIGN PASSENGER TRANSPORTATION SYS-**
19 **TEMS.**

20 (a) IN GENERAL.—The Comptroller General of the
21 United States shall conduct a study of how the Transpor-
22 tation Security Administration—

23 (1) identifies and compares—

24 (A) United States and foreign passenger
25 transportation system security standards; and

1 (B) best practices for protecting passenger
2 transportation systems, including shared ter-
3 minal facilities, and cyber systems; and
4 (2) disseminates to stakeholders the findings
5 under paragraph (1).

6 (b) REPORT.—Not later than 18 months after the
7 date of the enactment of this Act, the Comptroller General
8 of the United States shall issue a report that contains—

9 (1) the findings of the study conducted under
10 subsection (a); and

11 (2) any recommendations for improving rel-
12 evant processes or procedures.

13 **SEC. 1582. AMTRAK SECURITY UPGRADES.**

14 (a) RAILROAD SECURITY ASSISTANCE.—Subsection
15 (b) of section 1513 of the Implementing Recommendations
16 of the 9/11 Commission Act of 2007 (6 U.S.C. 1163) is
17 amended—

18 (1) in paragraph (1), by inserting before the pe-
19 riod at the end the following: “, including commu-
20 nications interoperability where appropriate with rel-
21 evant outside agencies and entities”;

22 (2) in paragraph (5), by striking “security of”
23 and inserting “security and preparedness of”;

24 (3) in paragraph (7), by striking “security
25 threats” and inserting “security threats and pre-

1 paredness, including connectivity to the National
2 Terrorist Screening Center”; and

3 (4) in paragraph (9), by striking “and security
4 officers” and inserting “, security, and preparedness
5 officers”.

6 (b) SPECIFIC PROJECTS.—Subsection (a)(3) of sec-
7 tion 1514 of the Implementing Recommendations of the
8 9/11 Commission Act of 2007 (6 U.S.C. 1164) is amend-
9 ed—

10 (1) in subparagraph (D) by inserting before the
11 semicolon at the end the following: “, or to connect
12 to the National Terrorism Screening Center
13 watchlist”;

14 (2) in subparagraph (G), by striking “and”
15 after the semicolon;

16 (3) in subparagraph (H) by striking the period
17 at the end and inserting a semicolon; and

18 (4) by adding at the end the following new sub-
19 paragraphs:

20 “(I) for improvements to passenger
21 verification systems;

22 “(J) for improvements to employee and
23 contractor verification systems, including iden-
24 tity verification technology; or

1 “(K) for improvements to the security of
2 Amtrak computer systems, including cybersecu-
3 rity assessments and programs.”.

4 **SEC. 1583. STUDY ON SURFACE TRANSPORTATION INSPEC-**
5 **TORS.**

6 Not later than 180 days after the date of the enact-
7 ment of this Act, the Comptroller General of the United
8 States shall submit to the appropriate congressional com-
9 mittees a report that—

10 (1) identifies any duplication or redundancy be-
11 tween the Transportation Security Administration
12 and the Department of Transportation relating to
13 surface transportation security inspections or over-
14 sight; and

15 (2) provides recommendations, if any, relating
16 to—

17 (A) improvements to the surface transpor-
18 tation security inspectors program, including—

19 (i) changes in organizational and su-
20 pervisory structures;

21 (ii) coordination procedures to en-
22 hance consistency; and

23 (iii) effectiveness in inspection and
24 compliance activities; and

1 (B) whether each transportation mode
2 needs inspectors trained and qualified for each
3 such specific mode.

4 **SEC. 1584. SECURITY AWARENESS PROGRAM.**

5 (a) ESTABLISHMENT.—The Administrator of the
6 Transportation Security Administration shall establish a
7 program to promote surface transportation security
8 through the training of surface transportation operators
9 and frontline employees on each of the skills identified in
10 subsection (c).

11 (b) APPLICATION.—The program established under
12 subsection (a) shall apply to all modes of surface transpor-
13 tation, including public transportation, rail, highway,
14 motor carrier, and pipeline.

15 (c) TRAINING.—The program established under sub-
16 section (a) shall cover, at a minimum, the skills necessary
17 to observe, assess, and respond to suspicious items or ac-
18 tions that could indicate a threat to transportation.

19 (d) ASSESSMENT.—

20 (1) IN GENERAL.—The Administrator of the
21 Transportation Security Administration shall con-
22 duct an assessment of current training programs for
23 surface transportation operators and frontline em-
24 ployees.

1 (2) CONTENTS.—The assessment under para-
2 graph (1) shall identify—

3 (A) whether other training is being pro-
4 vided, either voluntarily or in response to other
5 Federal requirements; and

6 (B) whether there are any gaps in existing
7 training.

8 (e) UPDATES.—The Administrator of the Transpor-
9 tation Security Administration shall ensure the program
10 established under subsection (a) is updated as necessary
11 to address changes in risk and terrorist methods and to
12 close any gaps identified in the assessment under sub-
13 section (d).

14 (f) SUSPICIOUS ACTIVITY REPORTING.—

15 (1) IN GENERAL.—The Secretary of Homeland
16 Security shall ensure there exists a national mecha-
17 nism for an individual to use to report to the De-
18 partment of Homeland Security suspicious activity
19 in transportation systems.

20 (2) PROCEDURES.—The Secretary of Homeland
21 Security shall establish procedures for the Depart-
22 ment of Homeland Security—

23 (A) to review and follow-up, as necessary,
24 on each report received under paragraph (1);
25 and

1 (B) to share, as necessary and in accord-
2 ance with law, such reports with appropriate
3 Federal, State, local, and tribal entities.

4 (3) RULE OF CONSTRUCTION.—Nothing in this
5 section may be construed to—

6 (A) replace or affect in any way the use of
7 9-1-1 services in an emergency; or

8 (B) replace or affect in any way the secu-
9 rity training program requirements specified in
10 sections 1408, 1517, and 1534 of the Imple-
11 menting Recommendations of the 9/11 Commis-
12 sion Act of 2007 (6 U.S.C. 1137, 1167, and
13 1184; Public Law 110-53).

14 (g) FRONTLINE EMPLOYEE DEFINED.—In this sec-
15 tion, the term “frontline employee” includes—

16 (1) an employee of a public transportation
17 agency who is a transit vehicle driver or operator,
18 dispatcher, maintenance and maintenance support
19 employee, station attendant, customer service em-
20 ployee, security employee, or transit police, or any
21 other employee who has direct contact with riders on
22 a regular basis; and any other employee of a public
23 transportation agency that the Administrator of the
24 Transportation Security Administration determines

1 should receive security training under this section or
2 who is receiving security training under other law;

3 ~~(2) over-the-road bus drivers, security per-~~
4 ~~sonnel, dispatchers, maintenance and maintenance~~
5 ~~support personnel, ticket agents, other terminal em-~~
6 ~~ployees, and other employees of an over-the-road bus~~
7 ~~operator or terminal owner or operator who the Ad-~~
8 ~~ministrator determines should receive security train-~~
9 ~~ing under this section or who is receiving security~~
10 ~~training under other law; or~~

11 ~~(3) security personnel, dispatchers, locomotive~~
12 ~~engineers, conductors, trainmen, other onboard em-~~
13 ~~ployees, maintenance and maintenance support per-~~
14 ~~sonnel, bridge tenders, and any other employees of~~
15 ~~railroad carriers who the Administrator determines~~
16 ~~should receive security training under this section or~~
17 ~~who is receiving security training under other law.~~

18 **SEC. 1585. VOLUNTARY USE OF CREDENTIALING.**

19 (a) IN GENERAL.—An individual who is subject to
20 credentialing or a background investigation under section
21 5103a of title 49, United States Code, may satisfy such
22 requirement by obtaining a valid transportation security
23 card issued under section 70105 of title 46, United States
24 Code.

1 (b) FEES.—The Secretary of Homeland Security may
2 charge reasonable fees, in accordance with section 520(a)
3 of the Department of Homeland Security Appropriations
4 Act, 2004 (6 U.S.C. 469(a)), for providing the necessary
5 credentialing and background investigation under this sec-
6 tion.

7 (c) DEFINITIONS.—In this section:

8 (1) INDIVIDUAL WHO IS SUBJECT TO
9 CREDENTIALING OR A BACKGROUND INVESTIGA-
10 TION.—The term “individual who is subject to
11 credentialing or a background investigation” means
12 an individual who—

13 (A) because of employment is regulated by
14 the Transportation Security Administration,
15 Department of Transportation, or Coast Guard
16 and is required to have a background records
17 check to obtain a hazardous materials endorse-
18 ment on a commercial driver’s license issued by
19 a State under section 5103a of title 49, United
20 States Code; or

21 (B) is required to have a credential and
22 background records check under section
23 2102(d)(2) of the Homeland Security Act of
24 2002 (6 U.S.C. 622(d)(2)) at a facility with ac-
25 tivities that are regulated by the Transportation

1 Security Administration, Department of Trans-
2 portation, or Coast Guard.

3 ~~(2) VALID TRANSPORTATION SECURITY CARD~~
4 ISSUED UNDER SECTION 70105 OF TITLE 46, UNITED
5 STATES CODE.—The term “valid transportation se-
6 curity card issued under section 70105 of title 46,
7 United States Code” means a transportation secu-
8 rity card issued under section 70105 of title 46,
9 United States Code, that is—

10 (A) not expired;

11 (B) shows no signs of tampering; and

12 (C) bears a photograph of the individual
13 representing such card.

14 **SEC. 1586. BACKGROUND RECORDS CHECKS FOR ISSUANCE**
15 **OF HAZMAT LICENSES.**

16 (a) ISSUANCE OF LICENSES.—Paragraph (1) of sec-
17 tion 5103a(a) of title 49, United States Code, is amend-
18 ed—

19 (1) by striking “unless” and inserting “un-
20 less—”;

21 (2) by striking “the Secretary of Homeland Se-
22 curity” and inserting the following:

23 “(A) the Secretary of Homeland Security”;

1 (3) in subparagraph (A), as designated pursu-
2 ant to paragraph (2) of this subsection, by striking
3 the period at the end and inserting “; or”; and

4 (4) by adding at the end the following new sub-
5 paragraph:

6 “(B) the individual holds a valid transpor-
7 tation security card issued under section 70105
8 of title 46.”.

9 (b) **TRANSPORTATION SECURITY CARD.**—Paragraph
10 (1) of section 5103a(d) of title 49, United States Code,
11 is amended, in the matter preceding subparagraph (A),
12 by striking “described in subsection (a)(1)” and inserting
13 “under subsection (a)(1)(A)”.

14 **SEC. 1587. RECURRENT VETTING FOR SURFACE TRANSPOR-**
15 **TATION CREDENTIAL HOLDERS.**

16 Section 70105 of title 46, United States Code, is
17 amended by adding at the end the following new sub-
18 section:

19 “(r) **RECURRENT VETTING.**—

20 “(1) **IN GENERAL.**—Not later than 180 days
21 after the date of the enactment of this subsection,
22 the Secretary shall develop and implement a plan to
23 utilize the Federal Bureau of Investigation’s Rap
24 Back Service in order to establish recurrent vetting

1 capabilities for individuals holding valid transpor-
2 tation security cards under this section.

3 “(2) EXEMPTION.—Individuals holding valid
4 transportation security cards under this section who
5 are subject to recurrent vetting under the plan to
6 utilize the Rap Back Service referred to in para-
7 graph (1) shall be exempt from any recurrent deter-
8 minations or background checks under this section
9 to which such individuals would otherwise be subject
10 every five years in the absence of such utilization.”.

11 **SEC. 1588. PIPELINE SECURITY STUDY.**

12 (a) STUDY.—The Comptroller General of the United
13 States shall conduct a study regarding the roles and re-
14 sponsibilities of the Department of Homeland Security
15 and the Department of Transportation with respect to
16 pipeline security. Such study shall address whether—

17 (1) the Annex to the Memorandum of Under-
18 standing executed on August 9, 2006, between the
19 Department of Homeland Security and the Depart-
20 ment of Transportation adequately delineates stra-
21 tegic and operational responsibilities for pipeline se-
22 curity, including whether it is clear which depart-
23 ment is responsible for—

24 (A) protecting against intentional pipeline
25 breaches and cyber attacks;

1 (B) responding to intentional pipeline
2 breaches and cyber attacks; and

3 (C) planning to recover from the impact of
4 intentional pipeline breaches and cyber attacks;

5 (2) the respective roles and responsibilities of
6 each department are adequately conveyed to relevant
7 stakeholders and to the public; and

8 (3) the processes and procedures for deter-
9 mining whether a particular pipeline breach is a ter-
10 rorist incident are clear and effective.

11 (b) REPORT ON STUDY.—Not later than 180 days
12 after the date of the enactment of this section, the Comp-
13 troller General of the United States shall submit to the
14 Secretary of Homeland Security and the Committee on
15 Homeland Security and the Committee on Transportation
16 and Infrastructure of the House of Representatives and
17 the Committee on Commerce, Science, and Transportation
18 of the Senate a report containing the findings of the study
19 conducted under subsection (a).

20 (c) REPORT TO CONGRESS.—Not later than 90 days
21 after the submission of the report under subsection (b),
22 the Secretary of Homeland Security shall review and ana-
23 lyze the study and submit to the Committee on Homeland
24 Security and the Committee on Transportation and Infra-
25 structure of the House of Representatives and the Com-

1 mittee on Commerce, Science, and Transportation of the
2 Senate a report on such review and analysis, including any
3 recommendations for—

4 (1) changes to the Annex to the Memorandum
5 of Understanding referred to in subsection (a)(1);
6 and

7 (2) other improvements to pipeline security ac-
8 tivities at the Department.

9 **Subtitle H—Security Enhance-**
10 **ments in Public Areas of Trans-**
11 **portation Facilities**

12 **SEC. 1591. WORKING GROUP.**

13 (a) **IN GENERAL.**—The Secretary of Homeland Secu-
14 rity may establish a working group to promote collabo-
15 rative engagement between the Department of Homeland
16 Security and public and private stakeholders to develop
17 non-binding recommendations for enhancing the security
18 in public areas of transportation facilities.

19 (b) **ANNUAL REPORT.**—If the Secretary of Homeland
20 Security establishes a working group pursuant to sub-
21 section (a), not later than one year after such establish-
22 ment and annually thereafter for five years, the Secretary
23 shall report on the working group’s organization, partici-
24 pation, activities, findings, and non-binding recommenda-
25 tions for the immediately preceding 12 month period. The

1 Secretary may publish a public version describing the
2 working group's activities and such related matters as
3 would be informative to the public, consistent with section
4 552(b) of title 5, United States Code.

5 (c) INAPPLICABILITY OF THE FEDERAL ADVISORY
6 COMMITTEE ACT.—The Federal Advisory Committee Act
7 (5 U.S.C. App.) shall not apply to the working group or
8 any subsidiary thereof.

9 **SEC. 1592. TECHNICAL ASSISTANCE; VULNERABILITY AS-**
10 **SESSMENT TOOLS.**

11 (a) IN GENERAL.—The Secretary of Homeland Secu-
12 rity shall—

13 (1) inform public and private sector stake-
14 holders regarding the availability of Department of
15 Homeland Security technical assistance, including
16 vulnerability assessment tools, to help enhance the
17 security in public areas of transportation facilities;
18 and

19 (2) subject to availability of appropriations,
20 provide such technical assistance, upon request, to
21 such a stakeholder.

22 (b) BEST PRACTICES.—Not later than one year after
23 the date of the enactment of this Act, the Secretary of
24 Homeland Security shall publish and widely disseminate
25 best practices for protecting and enhancing the resilience

1 of public areas of transportation facilities, including asso-
2 ciated frameworks or templates for implementation. As
3 appropriate, such best practices shall be updated periodi-
4 cally.

5 **SEC. 1593. OPERATIONS CENTERS.**

6 Not later than 120 days after the date of the enact-
7 ment of this Act, the Administrator of the Transportation
8 Security Administration, in consultation with the heads of
9 other appropriate offices or components of the Depart-
10 ment of Homeland Security, shall make available to public
11 and private stakeholders a framework for establishing an
12 operations center within a transportation facility to pro-
13 mote interagency response and coordination.

14 **SEC. 1594. REVIEW OF REGULATIONS.**

15 (a) REVIEW.—Not later than one year after the date
16 of the enactment of this Act, the Administrator of the
17 Transportation Security Administration shall submit to
18 the Committee on Homeland Security of the House and
19 the Committee on Commerce, Science, and Transportation
20 of the Senate a report that includes a review of regula-
21 tions, directives, policies, and procedures issued by the Ad-
22 ministrator regarding the transportation of a firearm and
23 ammunition by an aircraft passenger, and, as appropriate,
24 information on plans to modify any such regulation, direc-
25 tive, policy, or procedure based on such review.

1 (b) CONSULTATION.—In preparing the report re-
 2 quired under subsection (a), the Administrator of the
 3 Transportation Security Administration shall consult with
 4 the Aviation Security Advisory Committee (established
 5 pursuant to section 44946 of title 49, United States Code)
 6 and appropriate public and private sector stakeholders.

7 **SEC. 1595. DEFINITION.**

8 In this subtitle, the term “public and private sector
 9 stakeholders” has the meaning given such term in section
 10 114(u)(1)(C) of title 49, United States Code.

11 **TITLE VI—EMERGENCY PRE-**
 12 **PAREDNESS, RESPONSE, AND**
 13 **COMMUNICATIONS**

14 **Subtitle A—Grants, Training,**
 15 **Exercises, and Coordination**

16 **SEC. 1601. URBAN AREA SECURITY INITIATIVE.**

17 Section 2003 of the Homeland Security Act of 2002
 18 (6 U.S.C. 604) is amended—

19 (1) in subsection (b)(2)(A), in the matter pre-
 20 ceeding clause (i), by inserting “, using the most up-
 21 to-date data available,” after “assessment”;

22 (2) in subsection (d)(2), by amending subpara-
 23 graph (B) to read as follows:

24 “(B) FUNDS RETAINED.—To ensure trans-
 25 parency and avoid duplication, a State shall

1 provide each relevant high-risk urban area with
2 a detailed accounting of the items, services, or
3 activities on which any funds retained by the
4 State under subparagraph (A) are to be ex-
5 pended. Such accounting shall be provided not
6 later than 90 days after the date of which such
7 funds are retained.”; and

8 (3) by striking subsection (e) and inserting the
9 following new subsections:

10 “(e) THREAT AND HAZARD IDENTIFICATION RISK
11 ASSESSMENT AND CAPABILITY ASSESSMENT.—As a con-
12 dition of receiving a grant under this section, each high-
13 risk urban area shall submit to the Administrator a threat
14 and hazard identification and risk assessment and capa-
15 bility assessment—

16 “(1) at such time and in such form as is re-
17 quired by the Administrator; and

18 “(2) consistent with the Federal Emergency
19 Management Agency’s Comprehensive Preparedness
20 Guide 201, Second Edition, or such successor docu-
21 ment or guidance as is issued by the Administrator.

22 “(f) PERIOD OF PERFORMANCE.—The Administrator
23 shall make funds provided under this section available for
24 use by a recipient of a grant for a period of not less than
25 36 months.

1 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated for grants under this sec-
3 tion \$800,000,000 for each of fiscal years 2018 through
4 2022.”.

5 **SEC. 1602. STATE HOMELAND SECURITY GRANT PROGRAM.**

6 Section 2004 of the Homeland Security Act of 2002
7 (6 U.S.C. 605) is amended by striking subsection (f) and
8 inserting the following new subsections:

9 “(f) THREAT AND HAZARD IDENTIFICATION AND
10 RISK ASSESSMENT AND CAPABILITY ASSESSMENT.—

11 “(1) IN GENERAL.—As a condition of receiving
12 a grant under this section, each State shall submit
13 to the Administrator a threat and hazard identifica-
14 tion and risk assessment and capability assess-
15 ment—

16 “(A) at such time and in such form as is
17 required by the Administrator; and

18 “(B) consistent with the Federal Emer-
19 gency Management Agency’s Comprehensive
20 Preparedness Guide 201, Second Edition, or
21 such successor document or guidance as is
22 issued by the Administrator.

23 “(2) COLLABORATION.—In developing the
24 threat and hazard identification and risk assessment
25 under paragraph (1), a State shall solicit input from

1 local and tribal governments, including first respond-
2 ers, and, as appropriate, non-governmental and pri-
3 vate sector stakeholders.

4 “(3) FIRST RESPONDERS DEFINED.—In this
5 subsection, the term ‘first responders’ includes rep-
6 resentatives of local governmental and nongovern-
7 mental fire, law enforcement, emergency manage-
8 ment, and emergency medical personnel.

9 “(g) PERIOD OF PERFORMANCE.—The Adminis-
10 trator shall make funds provided under this section avail-
11 able for use by a recipient of a grant for a period of not
12 less than 36 months.

13 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated for grants under this sec-
15 tion \$600,000,000 for each of fiscal years 2018 through
16 2022.”

17 **SEC. 1603. GRANTS TO DIRECTLY ELIGIBLE TRIBES.**

18 Section 2005 of the Homeland Security Act of 2002
19 (6 U.S.C. 606) is amended by—

20 (1) redesignating subsections (h) through (k) as
21 subsections (i) through (l), respectively; and

22 (2) inserting after subsection (g) the following
23 new subsection:

24 “(h) PERIOD OF PERFORMANCE.—The Secretary
25 shall make funds provided under this section available for

1 use by a recipient of a grant for a period of not less than
2 36 months.”.

3 **SEC. 1604. LAW ENFORCEMENT TERRORISM PREVENTION.**

4 (a) **LAW ENFORCEMENT TERRORISM PREVENTION**
5 **PROGRAM.**—Subsection (a) of section 2006 of the Home-
6 land Security Act of 2002 (6 U.S.C. 607) is amended—

7 (1) in paragraph (1)—

8 (A) by inserting “States and high-risk
9 urban areas expend” after “that”; and

10 (B) by striking “is used”;

11 (2) in paragraph (2), by amending subpara-
12 graph (I) to read as follows:

13 “(I) activities as determined appropriate
14 by the Administrator, in coordination with the
15 Assistant Secretary for State and Local Law
16 Enforcement within the Office of Partnership
17 and Engagement of the Department, through
18 outreach to relevant stakeholder organizations;
19 and”;

20 (3) by adding at the end the following new
21 paragraph:

22 “(4) **ANNUAL REPORT.**—The Administrator, in
23 coordination with the Assistant Secretary for State
24 and Local Law Enforcement, shall report annually
25 from fiscal year 2018 through fiscal year 2022 on

1 the use of grants under sections 2003 and 2004 for
2 law enforcement terrorism prevention activities au-
3 thorized under this section, including the percentage
4 and dollar amount of funds used for such activities
5 and the types of projects funded.”.

6 (b) OFFICE FOR STATE AND LOCAL LAW ENFORCE-
7 MENT.—Subsection (b) section 2006 of the Homeland Se-
8 curity Act of 2002 (6 U.S.C. 607) is amended—

9 (1) in paragraph (1), by striking “Policy Direc-
10 torate” and inserting “Office of Partnership and
11 Engagement”

12 (2) in paragraph (4)—

13 (A) in subparagraph (B), by inserting “,
14 including through consultation with such agen-
15 cies regarding Department programs that may
16 impact such agencies” before the semicolon at
17 the end; and

18 (B) in subparagraph (D), by striking “en-
19 sure” and inserting “certify”.

20 **SEC. 1605. PRIORITIZATION.**

21 (a) IN GENERAL.—Subsection (a) of section 2007 of
22 the Homeland Security Act of 2002 (6 U.S.C. 608) is
23 amended—

24 (1) in paragraph (1)—

1 (A) by amending subparagraph (A) to read
2 as follows:

3 “(A) its population, including consideration
4 of domestic and international tourists, com-
5 muters, and military populations, including
6 military populations residing in communities
7 outside military installations;”;

8 (B) in subparagraph (E), by inserting “,
9 including threat information from other rel-
10 evant Federal agencies and field offices, as ap-
11 propriate” before the semicolon at the end; and

12 (C) in subparagraph (I), by striking “tar-
13 get” and inserting “core”; and

14 (2) in paragraph (2), by striking “target” and
15 inserting “core”.

16 (b) REVIEW.—Not later than 90 days after the date
17 of the enactment of this Act, the Secretary of Homeland
18 Security, through the Administrator of the Federal Emer-
19 gency Management Agency, shall review and report to the
20 Committee on Homeland Security and the Committee on
21 Appropriations of the House of Representatives and the
22 Committee on Homeland Security and Governmental Af-
23 fairs and the Committee on Appropriations of the Senate
24 on the risk formula and methodology used to award grants
25 under sections 2003 and 2004 of the Homeland Security

1 Act of 2002 (6 U.S.C. 604 and 605), including a discus-
2 sion of any necessary changes to such formula to ensure
3 grant awards are appropriately based on risk.

4 (e) COMPTROLLER GENERAL REVIEW.—Not later
5 than 180 days after the date of enactment of this Act,
6 the Comptroller General of the United States shall review
7 and assess the risk formula and methodology used to
8 award grants under sections 2003 and 2004 of the Home-
9 land Security Act of 2002, including—

10 (1) the process utilized by the Department of
11 Homeland Security to gather threat information for
12 each potential State and high-risk urban area;

13 (2) the extent to which such risk formula and
14 methodology considers the factors specified in sec-
15 tion 2007 of the Homeland Security Act of 2002 (6
16 U.S.C. 608), in particular—

17 (A) the extent to which the jurisdiction has
18 unmet core capabilities due to resource con-
19 straints;

20 (B) the degree to which a jurisdiction has
21 been able to address capability gaps with pre-
22 vious grant awards; and

23 (C) in the case of a high-risk urban area,
24 the extent to which such high-risk urban area
25 includes—

1 (i) incorporated municipalities, coun-
2 ties, parishes, and Indian tribes within the
3 relevant eligible metropolitan area the in-
4 clusion of which will enhance regional ef-
5 forts to prevent, prepare for, protect
6 against, and respond to acts of terrorism;
7 and

8 (ii) other local and tribal governments
9 in the surrounding area that are likely to
10 be called upon to respond to acts of ter-
11 rorism within the high-risk urban area;
12 and

13 ~~(3)~~ how grant award amounts are determined.

14 **SEC. 1606. ALLOWABLE USES.**

15 Section 2008 of the Homeland Security Act of 2002
16 ~~(6 U.S.C. 609)~~ is amended—

17 (1) in subsection (a)—

18 (A) in the matter preceding paragraph (1),
19 by striking “target” and inserting “core”;

20 (B) by redesignating paragraphs (6)
21 through (14) as paragraphs (8) through (16),
22 respectively;

23 (C) in paragraph (5), by inserting before
24 the semicolon at the end the following: “, pro-
25 vided such purchases align with the Statewide

1 Communication Interoperability Plan and are
2 eordinated with the Statewide Interoperability
3 Coordinator or Statewide interoperability gov-
4 ernance body of the State of the recipient”;

5 (D) by inserting after paragraph (5) the
6 following new paragraphs:

7 “(6) enhancing medical preparedness, medical
8 surge capacity, and mass prophylaxis capabilities, in-
9 cluding the development and maintenance of an ini-
10 tial pharmaceutical stockpile, including medical kits
11 and diagnostics sufficient to protect first responders,
12 their families, immediate victims, and vulnerable
13 populations from a chemical or biological event;

14 “(7) enhancing cybersecurity, including pre-
15 paring for and responding to cybersecurity risks and
16 incidents (as such terms are defined in section 227)
17 and developing statewide cyber threat information
18 analysis and dissemination activities;”;

19 (E) in paragraph (8), as so redesignated,
20 by striking “Homeland Security Advisory Sys-
21 tem” and inserting “National Terrorism Advi-
22 sory System”; and

23 (F) in paragraph (14), as so redesignated,
24 by striking “3” and inserting “5”;

25 (2) in subsection (b)—

1 (A) in paragraph (3)(B), by striking
2 “(a)(10)” and inserting “(a)(12)”; and
3 (B) in paragraph (4)(B)(i), by striking
4 “target” and inserting “core”; and
5 (3) in subsection (c), by striking “target” and
6 “core”.

7 **SEC. 1607. APPROVAL OF CERTAIN EQUIPMENT.**

8 (a) **IN GENERAL.**—Section 2008 of the Homeland
9 Security Act of 2002 (6 U.S.C. 609), as amended by this
10 Act, is further amended—

11 (1) in subsection (f)—

12 (A) by striking “If an applicant” and in-
13 serting the following:

14 “(1) **APPLICATION REQUIREMENT.**—If an appli-
15 cant”; and

16 (B) by adding at the end the following new
17 paragraphs:

18 “(2) **REVIEW PROCESS.**—The Administrator
19 shall implement a uniform process for reviewing ap-
20 plications that, in accordance with paragraph (1),
21 contain explanations to use grants provided under
22 section 2003 or 2004 to purchase equipment or sys-
23 tems that do not meet or exceed any applicable na-
24 tional voluntary consensus standards developed

1 under section 647 of the Post-Katrina Emergency
2 Management Reform Act of 2006 (6 U.S.C. 747).

3 “(3) FACTORS.—In carrying out the review
4 process under paragraph (2), the Administrator
5 shall consider the following:

6 “(A) Current or past use of proposed
7 equipment or systems by Federal agencies or
8 the Armed Forces.

9 “(B) The absence of a national voluntary
10 consensus standard for such equipment or sys-
11 tems.

12 “(C) The existence of an international con-
13 sensus standard for such equipment or systems,
14 and whether such equipment or systems meets
15 such standard.

16 “(D) The nature of the capability gap
17 identified by the applicant, and how such equip-
18 ment or systems will address such gap.

19 “(E) The degree to which such equipment
20 or systems will serve the needs of the applicant
21 better than equipment or systems that meet or
22 exceed existing consensus standards.

23 “(F) Any other factor determined appro-
24 priate by the Administrator.”; and

1 (2) by adding at the end the following new sub-
2 section:

3 “(g) REVIEW PROCESS.—The Administrator shall
4 implement a uniform process for reviewing applications to
5 use grants provided under section 2003 or 2004 to pur-
6 chase equipment or systems not included on the Author-
7 ized Equipment List maintained by the Administrator.”.

8 (b) INSPECTOR GENERAL REPORT.—Not later than
9 three years after the date of the enactment of this Act,
10 the Inspector General of the Department of Homeland Se-
11 curity shall submit to the Committee on Homeland Secu-
12 rity of the House of Representatives and the Committee
13 on Homeland Security and Governmental Affairs of the
14 Senate a report assessing the implementation of the review
15 process established under paragraph (2) of subsection (f)
16 of section 2008 of the Homeland Security Act of 2002
17 (as added by subsection (a) of this section), including in-
18 formation on the following:

19 (1) The number of requests to purchase equip-
20 ment or systems that do not meet or exceed any ap-
21 plicable consensus standard evaluated under such re-
22 view process.

23 (2) The capability gaps identified by applicants
24 and the number of such requests granted or denied.

1 ~~(3)~~ The processing time for the review of such
2 requests.

3 **SEC. 1608. MEMORANDA OF UNDERSTANDING.**

4 ~~(a) IN GENERAL.—~~Subtitle B of title XX of the
5 Homeland Security Act of 2002 (6 U.S.C. 611 et seq.)
6 is amended by adding at the end the following new section:

7 **“SEC. 2024. MEMORANDA OF UNDERSTANDING WITH DE-**
8 **PARTMENTAL COMPONENTS AND OFFICES.**

9 ~~“~~The Administrator shall enter into memoranda of
10 understanding with the heads of the following depart-
11 mental components and offices delineating the roles and
12 responsibilities of such components and offices regarding
13 the policy and guidance for grants under section 1406 of
14 the Implementing Recommendations of the 9/11 Commis-
15 sion Act of 2007 (6 U.S.C. 1135), sections 2003 and 2004
16 of this Act, and section 70107 of title 46, United States
17 Code, as appropriate:

18 ~~“(1) The Commissioner of U.S. Customs and~~
19 ~~Border Protection.~~

20 ~~“(2) The Administrator of the Transportation~~
21 ~~Security Administration.~~

22 ~~“(3) The Commandant of the Coast Guard.~~

23 ~~“(4) The Under Secretary for Intelligence and~~
24 ~~Analysis.~~

1 rity Appropriations Act, 2007; Public Law 109–295) and
2 Threat and Hazard Identification and Risk Assessments
3 required under subsections (e) and (f) of such sections
4 2003 and 2004, respectively, as added by this Act, from
5 each State and high-risk urban area, the Administrator
6 of the Federal Emergency Management Agency shall con-
7 duct and submit to the Committee on Homeland Security
8 and the Committee on Transportation and Infrastructure
9 of the House of Representatives and the Committee on
10 Homeland Security and Governmental Affairs of the Sen-
11 ate an assessment of information provided in such Reports
12 and Assessments.

13 (b) ASSESSMENT REQUIREMENTS.—The assessment
14 required under subsection (a) shall include a comparison
15 of successive State Preparedness Reports and Threat and
16 Hazard Identification and Risk Assessments that aggre-
17 gates results across the States and high-risk urban areas.

18 **SEC. 1610. GRANT MANAGEMENT BEST PRACTICES.**

19 The Administrator of the Federal Emergency Man-
20 agement Agency shall include in the annual Notice of
21 Funding Opportunity relating to grants under sections
22 2003 and 2004 of the Homeland Security Act of 2002
23 (6 U.S.C. 604 and 605) an appendix that includes the fol-
24 lowing:

1 (1) A summary of findings identified by the Of-
2 fice of the Inspector General of the Department of
3 Homeland Security in audits of such grants and
4 methods to address areas identified for improve-
5 ment, including opportunities for technical assist-
6 ance.

7 (2) Innovative projects and best practices insti-
8 tuted by grant recipients.

9 **SEC. 1611. PROHIBITION ON CONSOLIDATION.**

10 The Secretary of Homeland Security may not imple-
11 ment the National Preparedness Grant Program or any
12 successor consolidated grant program unless the Secretary
13 receives prior authorization from Congress permitting
14 such implementation.

15 **SEC. 1612. MAINTENANCE OF GRANT INVESTMENTS.**

16 Section 2008 of the Homeland Security Act of 2002
17 (6 U.S.C. 609), as amended by this Act, is further amend-
18 ed by adding at the end the following new subsection:

19 “(h) MAINTENANCE OF EQUIPMENT.—Any applicant
20 for a grant under section 2003 or 2004 seeking to use
21 funds to purchase equipment, including pursuant to para-
22 graphs (3), (4), (5), or (12) of subsection (a) of this sec-
23 tion, shall by the time of the receipt of such grant develop
24 a plan for the maintenance of such equipment over its life-

1 cycle that includes information identifying which entity is
2 responsible for such maintenance.”.

3 **SEC. 1613. TRANSIT SECURITY GRANT PROGRAM.**

4 Section 1406 of the Implementing Recommendations
5 of the 9/11 Commission Act of 2007 (6 U.S.C. 1135) is
6 amended—

7 (1) in subsection (b)(2)(A), by inserting “and
8 associated backfill” after “security training”; and

9 (2) by striking subsection (m) and inserting the
10 following new subsections:

11 “(m) PERIODS OF PERFORMANCE.—

12 “(1) IN GENERAL.—Except as provided in para-
13 graph (2), funds provided pursuant to a grant
14 awarded under this section for a use specified in
15 subsection (b) shall remain available for use by a
16 grant recipient for a period of not fewer than 36
17 months.

18 “(2) EXCEPTION.—Funds provided pursuant to
19 a grant awarded under this section for a use speci-
20 fied in subparagraph (M) or (N) of subsection (b)(1)
21 shall remain available for use by a grant recipient
22 for a period of not fewer than 55 months.

23 “(n) AUTHORIZATION OF APPROPRIATIONS.—There
24 is authorized to be appropriated for grants under this sec-

1 tion \$200,000,000 for each of fiscal years 2018 through
2 2022.”.

3 **SEC. 1614. PORT SECURITY GRANT PROGRAM.**

4 Section 70107 of title 46, United States Code, is
5 amended by—

6 (1) striking subsection (l);

7 (2) redesignating subsection (m) as subsection
8 (l); and

9 (3) by adding at the end the following new sub-
10 sections:

11 “(n) PERIOD OF PERFORMANCE.—The Secretary
12 shall make funds provided under this section available for
13 use by a recipient of a grant for a period of not less than
14 36 months.

15 “(o) AUTHORIZATION OF APPROPRIATIONS.—There
16 is authorized to be appropriated for grants under this sec-
17 tion \$200,000,000 for each of the fiscal years 2018
18 through 2022.”.

19 **SEC. 1615. CYBER PREPAREDNESS.**

20 (a) IN GENERAL.—Section 227 of the Homeland Se-
21 curity Act of 2002 (6 U.S.C. 148) is amended—

22 (1) in subsection (c)—

23 (A) in paragraph (5)(B), by inserting “,
24 including State, local, and regional fusion cen-

1 **“SEC. 2009. MAJOR METROPOLITAN AREA COUNTERTER-**
2 **RORISM TRAINING AND EXERCISE GRANT**
3 **PROGRAM.**

4 **“(a) ESTABLISHMENT.—**

5 **“(1) IN GENERAL.—**The Secretary, acting
6 through the Administrator and the heads of other
7 relevant components of the Department, shall carry
8 out a program to make grants to emergency re-
9 sponse providers to prevent, prepare for, and re-
10 spond to emerging terrorist attack scenarios, includ-
11 ing complex, coordinated terrorist attacks and active
12 shooters, as determined by the Secretary, against
13 major metropolitan areas.

14 **“(2) INFORMATION.—**In establishing the pro-
15 gram pursuant to paragraph (1), the Secretary shall
16 provide to eligible applicants—

17 **“(A) information, in an unclassified for-**
18 **mat, on emerging terrorist attack scenarios, in-**
19 **cluding complex, coordinated terrorist attacks**
20 **and active shooters, which grants under such**
21 **program are intended to address; and**

22 **“(B) information on training and exercises**
23 **best practices.**

24 **“(b) ELIGIBLE APPLICANTS.—**

25 **“(1) IN GENERAL.—**Only jurisdictions that
26 have previously received, but are no longer eligible

1 for, funding under section 2003 may apply for a
2 grant under the program established pursuant to
3 subsection (a).

4 “(2) ~~ADDITIONAL JURISDICTIONS.~~—Eligible ap-
5 plicants receiving funding under the program estab-
6 lished pursuant to subsection (a) may include in ac-
7 tivities funded by such program neighboring jurisdic-
8 tions that would be likely to provide mutual aid in
9 response to emerging terrorist attack scenarios, in-
10 cluding complex, coordinated terrorist attacks and
11 active shooters.

12 “(e) ~~PERMITTED USES.~~—The recipient of a grant
13 under the program established pursuant to subsection (a)
14 may use such grant to—

15 “(1) identify capability gaps related to pre-
16 paring for, preventing, and responding to emerging
17 terrorist attack scenarios, including complex, coordi-
18 nated terrorist attacks and active shooters;

19 “(2) develop or update plans, annexes, and
20 processes to address any capability gaps identified
21 pursuant to paragraph (1);

22 “(3) conduct training to address such identified
23 capability gaps;

24 “(4) conduct exercises, including at locations
25 such as mass gathering venues, places of worship, or

1 educational institutions, as appropriate, to validate
2 capabilities;

3 “(5) pay for backfill associated with personnel
4 participating in training and exercises under para-
5 graphs (3) and (4); and

6 “(6) pay for other permitted uses under section
7 2008.

8 “(d) PERIOD OF PERFORMANCE.—The Adminis-
9 trator shall make funds provided under this section avail-
10 able for use by a recipient of a grant for a period of not
11 fewer than 36 months.

12 “(e) INFORMATION SHARING.—The Administrator
13 shall, to the extent practicable, aggregate, analyze, and
14 share with relevant emergency response providers informa-
15 tion on best practices and lessons learned from—

16 “(1) the planning, training, and exercises con-
17 ducted using grants authorized under the program
18 established pursuant to subsection (a); and

19 “(2) responses to actual terrorist attacks
20 around the world.

21 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated for grants under this
23 section \$39,000,000 for each of fiscal years 2018 through
24 2022.”

1 (b) CLERICAL AMENDMENT.—The table of contents
2 in section 1(b) of the Homeland Security Act of 2002 is
3 amended by inserting after the item relating to section
4 2008 the following new item:

“Sec. 2009. Major metropolitan area counterterrorism training and exercise
grant program.”.

5 **SEC. 1617. OPERATION STONEGARDEN.**

6 (a) IN GENERAL.—Subtitle A of title XX of the
7 Homeland Security Act of 2002 (6 U.S.C. 601 et seq.),
8 as amended by this Act, is further amended by adding
9 at the end the following new section:

10 **“SEC. 2010. OPERATION STONEGARDEN.**

11 “(a) ESTABLISHMENT.—There is established in the
12 Department a program to be known as ‘Operation
13 Stonegarden’. Under such program, the Secretary, acting
14 through the Administrator, shall make grants to eligible
15 law enforcement agencies, through the State Administra-
16 tive Agency, to enhance border security in accordance with
17 this section.

18 “(b) ELIGIBLE RECIPIENTS.—To be eligible to re-
19 ceive a grant under this section, a law enforcement agency
20 shall—

21 “(1) be located in—

22 “(A) a State bordering either Canada or
23 Mexico; or

1 “(B) a State or territory with a maritime
2 border; and

3 “(2) be involved in an active, ongoing U.S. Customs and Border Protection operation coordinated
4 through a sector office.

6 “(e) PERMITTED USES.—The recipient of a grant
7 under this section may use such grant for any of the following:
8

9 “(1) Equipment, including maintenance and
10 sustainment costs.

11 “(2) Personnel, including overtime and backfill,
12 in support of enhanced border law enforcement activities.
13

14 “(3) Any activity permitted for Operation
15 Stonegarden under the Department of Homeland Security’s Fiscal Year 2016 Homeland Security
16 Grant Program Notice of Funding Opportunity.
17

18 “(4) Any other appropriate activity, as determined by the Administrator, in consultation with the
19 Commissioner of U.S. Customs and Border Protection.
20 tion.
21

22 “(d) PERIOD OF PERFORMANCE.—The Secretary
23 shall make funds provided under this section available for
24 use by a recipient of a grant for a period of not less than
25 36 months.

1 “(d) **AUTHORIZATION OF APPROPRIATIONS.**—There
2 is authorized to be appropriated \$110,000,000 for each
3 of fiscal years 2018 through 2022 for grants under this
4 section.

5 “(e) **REPORT.**—The Administrator shall annually for
6 each of the fiscal years specified in subsection (d) submit
7 to the Committee on Homeland Security of the House of
8 Representatives and the Committee on Homeland Security
9 and Governmental Affairs of the Senate a report con-
10 taining information on the expenditure of grants made
11 under this section by each grant recipient.”.

12 “(b) **CLERICAL AMENDMENT.**—The table of contents
13 in section 1(b) of the Homeland Security Act of 2002, as
14 amended by this Act, is further amended by inserting after
15 the item relating to section 2009 the following new item:
“Sec. 2010. Operation Stonegarden.”.

16 **SEC. 1618. NON-PROFIT SECURITY GRANT PROGRAM.**

17 “(a) **IN GENERAL.**—Subtitle A of title XX of the
18 Homeland Security Act of 2002 (6 U.S.C. 601 et seq.),
19 as amended by this Act, is further amended by adding
20 at the end the following new section:

21 **“SEC. 2011. NON-PROFIT SECURITY GRANT PROGRAM.**

22 “(a) **ESTABLISHMENT.**—There is established in the
23 Department a program to be known as the ‘Non-Profit
24 Security Grant Program’ (in this section referred to as
25 the ‘Program’). Under the Program, the Secretary, acting

1 through the Administrator, shall make grants to eligible
2 nonprofit organizations described in subsection (b),
3 through the State in which such organizations are located,
4 for target hardening and other security enhancements to
5 protect against terrorist attacks.

6 “(b) **ELIGIBLE RECIPIENTS.**—Eligible nonprofit or-
7 ganizations described in this subsection (a) are organiza-
8 tions that are—

9 “(1) described in section 501(c)(3) of the Inter-
10 nal Revenue Code of 1986 and exempt from tax
11 under section 501(a) of such Code; and

12 “(2) determined to be at risk of a terrorist at-
13 tack by the Administrator.

14 “(c) **PERMITTED USES.**—The recipient of a grant
15 under this section may use such grant for any of the fol-
16 lowing uses:

17 “(1) Target hardening activities, including
18 physical security enhancement equipment and in-
19 spection and screening systems.

20 “(2) Fees for security training relating to phys-
21 ical security and cybersecurity, target hardening,
22 terrorism awareness, and employee awareness.

23 “(3) Any other appropriate activity, as deter-
24 mined by the Administrator.

1 “(d) PERIOD OF PERFORMANCE.—The Adminis-
2 trator shall make funds provided under this section avail-
3 able for use by a recipient of a grant for a period of not
4 less than 36 months.

5 “(e) REPORT.—The Administrator shall annually for
6 each of fiscal years 2018 through 2022 submit to the
7 Committee on Homeland Security of the House of Rep-
8 resentatives and the Committee on Homeland Security
9 and Governmental Affairs of the Senate a report con-
10 taining information on the expenditure by each grant re-
11 cipient of grant funds made under this section.

12 “(f) AUTHORIZATION OF APPROPRIATIONS.—

13 “(1) IN GENERAL.—There is authorized to be
14 appropriated \$50,000,000 for each of fiscal years
15 2018 through 2022 to carry out this section.

16 “(2) SPECIFICATION.—Of the amounts author-
17 ized to be appropriated pursuant to paragraph (1)—

18 “(A) \$35,000,000 is authorized for eligible
19 recipients located in jurisdictions that receive
20 funding under section 2003; and

21 “(B) \$15,000,000 is authorized for eligible
22 recipients in jurisdictions not receiving funding
23 under section 2003.”.

24 “(b) CONFORMING AMENDMENT.—Subsection (a) of
25 section 2002 of the Homeland Security Act of 2002 (6

1 U.S.C. 603) is amended by striking “sections 2003 and
2 2004” and inserting “sections 2003, 2004, and 2011”.

3 (c) CLERICAL AMENDMENT.—The table of contents
4 in section 1(b) of the Homeland Security Act of 2002 is
5 amended by inserting after the item relating to section
6 2008 the following new item:

“Sec. 2011. Non-Profit Security Grant Program.”.

7 **SEC. 1619. STUDY OF THE USE OF GRANT FUNDS FOR CY-**
8 **BERSECURITY.**

9 Not later than 120 days after the enactment of this
10 section, the Administrator, in consultation with relevant
11 components of the Department, shall conduct a study on
12 the use of grant funds awarded pursuant to section 2003
13 and section 2004 of the Homeland Security Act of 2002
14 (6 U.S.C. 604 and 605), including information on the fol-
15 lowing:

16 (1) The amount of grant funds invested or obli-
17 gated annually during fiscal years 2006 through
18 2016 to support efforts to prepare for and respond
19 to cybersecurity risks and incidents (as such terms
20 are defined in section 227 of such Act (6 U.S.C.
21 148).

22 (2) The degree to which grantees identify cyber-
23 security as a capability gap in the Threat and Haz-
24 ard Identification and Risk Assessment carried out

1 pursuant to the amendment made by sections 601
2 and 602 of this title.

3 ~~(3) Obstacles and challenges related to using~~
4 ~~grant funds to improve cybersecurity.~~

5 ~~(4) Plans for future efforts to encourage grant-~~
6 ~~ees to use grant funds to improve cybersecurity ca-~~
7 ~~pabilities.~~

8 **Subtitle B—Communications**

9 **SEC. 1631. OFFICE OF EMERGENCY COMMUNICATIONS.**

10 The Secretary of Homeland Security may not change
11 the location or reporting structure of the Office of Emer-
12 gency Communications of the Department of Homeland
13 Security unless the Secretary receives prior authorization
14 from the Committee on Homeland Security of the House
15 of Representatives and the Committee on Homeland Secu-
16 rity and Governmental Affairs of the Senate permitting
17 such change.

18 **SEC. 1632. RESPONSIBILITIES OF OFFICE OF EMERGENCY** 19 **COMMUNICATIONS DIRECTOR.**

20 (a) IN GENERAL.—Subsection (e) of section 1801 of
21 the Homeland Security Act of 2002 (6 U.S.C. 571) is
22 amended—

23 (1) by striking paragraph (3);

24 (2) by redesignating paragraphs (4) through
25 (15) as paragraphs (3) through (14), respectively;

1 (3) in paragraph (8), as so redesignated, by
2 striking “, in cooperation with the National Commu-
3 nications System,”;

4 (4) in paragraph (12) by striking “Assistant
5 Secretary for Grants and Training” and inserting
6 “Administrator of the Federal Emergency Manage-
7 ment Agency”;

8 (5) in paragraph (13), as so redesignated, by
9 striking “and” at the end;

10 (6) in paragraph (14), as so redesignated, by
11 striking the period at the end and inserting a semi-
12 colon; and

13 (7) by adding at the end the following new
14 paragraphs:

15 “(15) administer the Government Emergency
16 Telecommunications Service (GETS) and Wireless
17 Priority Service (WPS) programs, or successor pro-
18 grams; and

19 “(16) assess the impact of emerging tech-
20 nologies on interoperable emergency communica-
21 tions.”.

22 (b) PERFORMANCE OF PREVIOUSLY TRANSFERRED
23 FUNCTIONS.—Subsection (d) of section 1801 of the
24 Homeland Security Act of 2002 is amended by—

25 (1) striking paragraph (2); and

1 (2) redesignating paragraph (3) as paragraph
2 (2).

3 **SEC. 1633. ANNUAL REPORTING ON ACTIVITIES OF THE OF-**
4 **FICE OF EMERGENCY COMMUNICATIONS.**

5 Subsection (f) of section 1801 of the Homeland Secu-
6 rity Act of 2002 (6 U.S.C. 571) is amended to read as
7 follows:

8 “(f) ANNUAL REPORTING OF OFFICE ACTIVITIES.—
9 The Director of the Office of Emergency Communications
10 shall, not later than one year after the date of the enact-
11 ment of this subsection and annually thereafter for each
12 of the next four years, report to the Committee on Home-
13 land Security and the Committee on Energy and Com-
14 merce of the House of Representatives and the Committee
15 on Homeland Security and Governmental Affairs of the
16 Senate on the activities and programs of the Office, in-
17 cluding specific information on efforts to carry out para-
18 graphs (4), (5), and (6) of subsection (c).”

19 **SEC. 1634. NATIONAL EMERGENCY COMMUNICATIONS**
20 **PLAN.**

21 Section 1802 of the Homeland Security Act of 2002
22 (6 U.S.C. 572) is amended—

23 (1) in subsection (a), in the matter preceding
24 paragraph (1)—

1 (A) by striking “, and in cooperation with
2 the Department of National Communications
3 System (as appropriate),”; and

4 (B) by inserting “, but not less than once
5 every five years,” after “periodically”; and

6 (2) in subsection (c)—

7 (A) by redesignating paragraphs (3)
8 through (10) as paragraphs (4) through (11),
9 respectively; and

10 (B) by inserting after paragraph (2) the
11 following new paragraph:

12 “(3) consider the impact of emerging tech-
13 nologies on the attainment of interoperable emer-
14 gency communications;”.

15 **SEC. 1635. TECHNICAL EDIT.**

16 Paragraph (1) of section 1804(b) of the Homeland
17 Security Act of 2002 (6 U.S.C. 574(b)), in the matter pre-
18 ceding subparagraph (A), by striking “Assistant Secretary
19 for Grants and Planning” and inserting “Administrator
20 of the Federal Emergency Management Agency”.

21 **SEC. 1636. PUBLIC SAFETY BROADBAND NETWORK.**

22 The Undersecretary of the National Protection and
23 Programs Directorate of the Department of Homeland Se-
24 curity shall provide to the Committee on Homeland Secu-
25 rity and the Committee on Energy and Commerce of the

1 House of Representatives and the Committee on Home-
2 land Security and Governmental Affairs of the Senate in-
3 formation on the Department of Homeland Security's re-
4 sponsibilities related to the development of the nationwide
5 Public Safety Broadband Network authorized in section
6 6202 of the Middle Class Tax Relief and Job Creation
7 Act of 2012 (47 U.S.C. 1422; Public Law 112-96), in-
8 cluding information on efforts by the Department to work
9 with the First Responder Network Authority of the De-
10 partment of Commerce to identify and address cyber risks
11 that could impact the near term or long term availability
12 and operations of such network and recommendations to
13 mitigate such risks.

14 **SEC. 1637. COMMUNICATIONS TRAINING.**

15 The Under Secretary for Management of the Depart-
16 ment of Homeland Security, in coordination with the ap-
17 propriate component heads, shall develop a mechanism,
18 consistent with the strategy required pursuant to section
19 4 of the Department of Homeland Security Interoperable
20 Communications Act (Public Law 114-29; 6 U.S.C. 194
21 note), to verify that radio users within the Department
22 receive initial and ongoing training on the use of the radio
23 systems of such components, including interagency radio
24 use protocols.

1 **Subtitle C—Medical Preparedness**

2 **SEC. 1641. CHIEF MEDICAL OFFICER.**

3 Section 516 of the Homeland Security Act of 2002
4 (6 U.S.C. 321e) is amended—

5 (1) in subsection (c)—

6 (A) in the matter preceding paragraph (1),
7 by inserting “and shall establish medical and
8 human, animal, and occupational health expo-
9 sure policy, guidance, strategies, and initia-
10 tives,” before “including—”;

11 (B) in paragraph (1), by inserting before
12 the semicolon at the end the following: “, in-
13 cluding advice on how to prepare for, protect
14 against, respond to, recover from, and mitigate
15 against the medical effects of terrorist attacks
16 or other high consequence events utilizing
17 chemical, biological, radiological, or nuclear
18 agents or explosives”;

19 (C) in paragraph (2), by inserting before
20 the semicolon at the end the following: “, in-
21 cluding coordinating the Department’s policy,
22 strategy and preparedness for pandemics and
23 emerging infectious diseases”;

24 (D) in paragraph (5), by inserting “emer-
25 gency medical services and medical first re-

1 sponder stakeholders,” after “the medical com-
2 munity,”;

3 (E) in paragraph (6), by striking “and” at
4 the end;

5 (F) in paragraph (7), by striking the pe-
6 riod and inserting a semicolon; and

7 (G) by adding at the end the following new
8 paragraphs:

9 “(8) ensuring that the workforce of the Depart-
10 ment has evidence-based policy, standards, require-
11 ments, and metrics for occupational health and oper-
12 ational medicine programs;

13 “(9) directing and maintaining a coordinated
14 system for medical support for the Department’s
15 operational activities;

16 “(10) providing oversight of the Department’s
17 medical programs and providers, including—

18 “(A) reviewing and maintaining
19 verification of the accreditation of the Depart-
20 ment’s health provider workforce;

21 “(B) developing quality assurance and clin-
22 ical policy, requirements, standards, and
23 metrics for all medical and health activities of
24 the Department;

1 “(C) providing oversight of medical records
2 systems for employees and individuals in the
3 Department’s care and custody; and

4 “(D) providing medical direction for emer-
5 gency medical services activities of the Depart-
6 ment; and

7 “(11) as established under section 528, main-
8 taining a medical countermeasures stockpile and dis-
9 pensing system, as necessary, to facilitate personnel
10 readiness, and protection for the Department’s em-
11 ployees and working animals and individuals in the
12 Department’s care and custody in the event of a
13 chemical, biological, radiological, nuclear, or explo-
14 sives attack, naturally occurring disease outbreak, or
15 pandemic.”; and

16 (2) by adding at the end the following new sub-
17 section:

18 “(d) **MEDICAL LIAISONS.**—The Chief Medical Officer
19 may provide medical liaisons to the components of the De-
20 partment to provide subject matter expertise on medical
21 and public health issues and a direct link to the Chief
22 Medical Officer. Such expertise may include the following:

23 “(1) Providing guidance on health and medical
24 aspects of policy, planning, operations, and work-
25 force health protection.

1 ~~“(2) Identifying and resolving component med-~~
2 ~~ical issues.~~

3 ~~“(3) Supporting the development and alignment~~
4 ~~of medical and health systems.~~

5 ~~“(4) Identifying common gaps in medical and~~
6 ~~health standards, policy, and guidance, and enter-~~
7 ~~prise solutions to bridge such gaps.”.~~

8 **SEC. 1642. MEDICAL COUNTERMEASURES PROGRAM.**

9 ~~(a) IN GENERAL.—Title V of the Homeland Security~~
10 ~~Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding~~
11 ~~at the end the following new section:~~

12 ~~**“SEC. 528. MEDICAL COUNTERMEASURES.**~~

13 ~~“(a) IN GENERAL.—The Secretary shall establish a~~
14 ~~medical countermeasures program to facilitate personnel~~
15 ~~readiness, and protection for the Department’s employees~~
16 ~~and working animals and individuals in the Department’s~~
17 ~~care and custody, in the event of a chemical, biological,~~
18 ~~radiological, nuclear, or explosives attack, naturally occur-~~
19 ~~ring disease outbreak, or pandemic, and to support De-~~
20 ~~partment mission continuity.~~

21 ~~“(b) OVERSIGHT.—The Chief Medical Officer of the~~
22 ~~Department shall provide programmatic oversight of the~~
23 ~~medical countermeasures program established pursuant to~~
24 ~~subsection (a), and shall—~~

1 “(1) develop Department-wide standards for
2 medical countermeasure storage, security, dis-
3 pensing, and documentation;

4 “(2) maintain a stockpile of medical counter-
5 measures, including antibiotics, antivirals, and radio-
6 logical countermeasures, as appropriate;

7 “(3) preposition appropriate medical counter-
8 measures in strategic locations nationwide, based on
9 threat and employee density, in accordance with ap-
10 plicable Federal statutes and regulations;

11 “(4) provide oversight and guidance on dis-
12 pensing of stockpiled medical countermeasures;

13 “(5) ensure rapid deployment and dispensing of
14 medical countermeasures in a chemical, biological,
15 radiological, nuclear, or explosives attack, naturally
16 occurring disease outbreak, or pandemic;

17 “(6) provide training to Department employees
18 on medical countermeasure dispensing; and

19 “(7) support dispensing exercises.

20 “(e) MEDICAL COUNTERMEASURES WORKING
21 GROUP.—The Chief Medical Officer shall establish a med-
22 ical countermeasures working group comprised of rep-
23 resentatives from appropriate components and offices of
24 the Department to ensure that medical countermeasures
25 standards are maintained and guidance is consistent.

1 “(d) MEDICAL COUNTERMEASURES MANAGE-
2 MENT.—Not later than 180 days after the date of the en-
3 actment of this section, the Chief Medical Officer shall de-
4 velop and submit to the Secretary an integrated logistics
5 support plan for medical countermeasures, including—

6 “(1) a methodology for determining the ideal
7 types and quantities of medical countermeasures to
8 stockpile and how frequently such methodology shall
9 be reevaluated;

10 “(2) a replenishment plan; and

11 “(3) inventory tracking, reporting, and rec-
12 onciliation procedures for existing stockpiles and
13 new medical countermeasure purchases.

14 “(e) STOCKPILE ELEMENTS.—In determining the
15 types and quantities of medical countermeasures to stock-
16 pile under subsection (d), the Chief Medical Officer shall
17 utilize, if available—

18 “(1) Department chemical, biological, radio-
19 logical, and nuclear risk assessments; and

20 “(2) Centers for Disease Control and Preven-
21 tion guidance on medical countermeasures.

22 “(f) REPORT.—Not later than 180 days after the
23 date of the enactment of this section, the Chief Medical
24 Officer shall report to the Committee on Homeland Secu-
25 rity of the House of Representatives and the Committee

1 on Homeland Security and Governmental Affairs of the
 2 Senate on progress in achieving the requirements of this
 3 section.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
 5 in section 1(b) of the Homeland Security Act of 2002 is
 6 amended by adding after the item relating to section 527
 7 the following new item:

“Sec. 528. Medical countermeasures.”.

8 **TITLE VII—OTHER MATTERS**

9 **SEC. 1701. DECISION REGARDING CERTAIN EXECUTIVE** 10 **MEMORANDA.**

11 Not later than 120 days after the date of the enact-
 12 ment of this Act, the Secretary of Homeland Security shall
 13 review existing Department of Homeland Security policy
 14 memoranda, including memoranda approved by prior Sec-
 15 retaries that remain in effect, to determine whether such
 16 memoranda should remain in effect and, if so, whether
 17 any of such memoranda should be modified.

18 **SEC. 1702. PERMANENT AUTHORIZATION FOR ASIA-PACIFIC** 19 **ECONOMIC COOPERATION BUSINESS TRAVEL** 20 **CARD PROGRAM.**

21 Section 2(a) of the Asia-Pacific Economic Coopera-
 22 tion Business Travel Cards Act of 2011 (Public Law 112–
 23 54; 8 U.S.C. 1185 note) is amended by striking “During
 24 the 7-year period ending on September 30, 2018, the Sec-
 25 retary” and inserting “The Secretary”.

1 **SEC. 1703. AUTHORIZATION OF APPROPRIATIONS FOR OF-**
2 ****OFFICE OF INSPECTOR GENERAL.****

3 There is authorized to be appropriated for the Office
4 of the Inspector General of the Department of Homeland
5 Security \$175,000,000 for each of fiscal years 2018 and
6 2019.

7 **SEC. 1704. CANINE TEAMS.**

8 The Commissioner of U.S. Customs and Border Pro-
9 tection may request additional canine teams when there
10 is a justified and documented shortage and such additional
11 canine teams would be effective for drug detection at the
12 border.

13 **SEC. 1705. TECHNICAL AMENDMENTS TO THE HOMELAND**
14 ****SECURITY ACT OF 2002.****

15 (a) TITLE I.—Section 103 of the Homeland Security
16 Act of 2002 (6 U.S.C. 113), as amended by this Act, is
17 further amended as follows:

18 (1) In subsection (a)(1)—

19 (A) in subparagraph (E), by striking “the
20 Bureau of” and inserting “United States”; and

21 (B) by adding at the end the following new
22 subparagraph:

23 “(L) An Administrator of the Transpor-
24 tation Security Administration.”.

25 (2) In subsection (d)(5), by striking “section
26 708” and inserting “section 707”.

1 (b) TITLE II.—Title II of the Homeland Security Act
2 of 2002 (6 U.S.C. 121 et seq.) is amended as follows:

3 (1) In section 202 (6 U.S.C. 122)—

4 (A) in subsection (e), in the matter pre-
5 ceeding paragraph (1), by striking “Director of
6 Central Intelligence” and inserting “Director of
7 National Intelligence”; and

8 (B) in subsection (d)(2), by striking “Di-
9 rector of Central Intelligence” and inserting
10 “Director of National Intelligence”.

11 (2) In section 210E (6 U.S.C. 1241)—

12 (A) by striking subsection (e); and

13 (B) by redesignating subsection (f) as sub-
14 section (e).

15 (3) In section 223(1)(B) (6 U.S.C. 143(1)(B)),
16 by striking “and” after the semicolon at the end.

17 (4) In section 225 (6 U.S.C. 145), by striking
18 subsections (e) and (d).

19 (5) In section 228A(c)(1)(C), by striking “sec-
20 tion 707” and inserting “section 706”.

21 (c) TITLE III.—Title III of the Homeland Security
22 Act of 2002 (6 U.S.C. 181 et seq.) is amended as follows:

23 (1) In section 302 (6 U.S.C. 182), by striking
24 “biological,” each places it appears and inserting
25 “biological.”

1 (2) By redesignating the second section 319
2 (relating to EMP and GMD mitigation research and
3 development) as section 320.

4 (d) TITLE IV.—Title IV of the Homeland Security
5 Act of 2002 (6 U.S.C. 201 et seq.) is amended as follows:

6 (1) By redesignating section 402 (6 U.S.C.
7 202) as section 401.

8 (2) In section 401(4), as so redesignated, by
9 striking “section 428” and inserting “section 426”.

10 (3) By redesignating section 417 as section
11 416.

12 (4) By redesignating section 427 (6 U.S.C.
13 235) as section 425.

14 (5) In section 425, as so redesignated, by strik-
15 ing subsection (e).

16 (6) By redesignating section 428 (6 U.S.C.
17 236) as section 426.

18 (7) In section 426, as so redesignated, in—

19 (A) in subsection (e), by striking para-
20 graphs (7) and (8);

21 (B) by striking subsections (g) and (h);
22 and

23 (C) by redesignating subsection (i) as sub-
24 section (g).

1 (8) By redesignating section 429 (6 U.S.C.
2 237) as section 427.

3 (9) By redesignating section 430 (6 U.S.C.
4 238) as section 428.

5 (10) By striking section 431 (6 U.S.C. 239).

6 (11) By redesignating section 432 (6 U.S.C.
7 240) as section 429.

8 (12) By redesignating section 433 (6 U.S.C.
9 241) as section 430.

10 (13) By amending the subtitle D heading to
11 read as follows: “**U.S. Immigration and Cust-**
12 **oms Enforcement**”.

13 (14) By striking section 445 (6 U.S.C. 255).

14 (15) By striking section 446 (6 U.S.C. 256).

15 (16) In the subtitle E heading, by inserting
16 “**United States**” before “**Citizenship and**
17 **Immigration Services**”.

18 (17) In section 452 (6 U.S.C. 272)—

19 (A) by striking “the Bureau of” each place
20 it appears and inserting “United States”; and

21 (B) in subsection (f), in the subsection
22 heading, by striking “BUREAU OF” and insert-
23 ing “UNITED STATES”.

24 (18) By striking section 453 (6 U.S.C. 273).

1 (19) By striking section 455 (6 U.S.C. 271
2 note).

3 (20) By striking section 456 (6 U.S.C. 275).

4 (21) By striking section 459 (6 U.S.C. 276).

5 (22) By striking section 460 (6 U.S.C. 277).

6 (23) By striking section 461 (6 U.S.C. 278).

7 (24) By redesignating section 462 (6 U.S.C.
8 279) as section 455.

9 (25) In section 455, as so redesignated, in sub-
10 section (b)(2)(A), in the matter preceding clause
11 (i)—

12 (A) by striking “the Bureau of Citizenship
13 and Immigration Services” and inserting
14 “United States Citizenship and Immigration
15 Services”; and

16 (B) by striking “Assistant Secretary of the
17 Bureau of Border Security” and inserting “Di-
18 rector of U.S. Immigration and Customs En-
19 forcement”.

20 (26) By striking section 472 (6 U.S.C. 292).

21 (27) By striking section 473 (6 U.S.C. 293).

22 (28) By striking section 474 (6 U.S.C. 294).

23 (29) By redesignating section 476 (6 U.S.C.
24 296) as section 472.

25 (30) In section 472, as so redesignated—

1 (A) by striking “the Bureau of Citizenship
2 and Immigration Services” each place it ap-
3 pears and inserting “United States Citizenship
4 and Immigration Services”; and

5 (B) by striking “the Bureau of Border Se-
6 curity” each place it appears and inserting
7 “U.S. Immigration and Customs Enforcement”.

8 (31) By striking section 477 (6 U.S.C. 297).

9 (32) By redesignating section 478 (6 U.S.C.
10 298) as section 473.

11 (33) In section 473, as so redesignated—

12 (A) in the section heading, by inserting
13 “**ANNUAL REPORT ON**” before “**IMMIGRA-**
14 **TION**”;

15 (B) by striking subsection (b); and

16 (C) in subsection (a)—

17 (i) by striking “**REPORT.—**” and all
18 that follows through “One year” and in-
19 serting “**REPORT.—One year**”;

20 (ii) by redesignating paragraph (2) as
21 subsection (b) and moving such subsection
22 two ems to left; and

23 (iii) in subsection (b), as so redesi-
24 gnated—

1 (H) in the heading, by striking
2 “INCLUDED” and inserting “IN-
3 CLUDED”; and

4 (II) by redesignating subpara-
5 graphs (A) through (H) as para-
6 graphs (1) through (8), respectively,
7 and moving such paragraphs two ems
8 to the left.

9 (c) TITLE V.—Title V of the Homeland Security Act
10 of 2002 (6 U.S.C. 311 et seq.) is amended as follows:

11 (1) In section 501 (6 U.S.C. 311)—

12 (A) in paragraph (8), by striking “section
13 502(a)(6)” and inserting “section 504(a)(6)”;

14 (B) by redesignating paragraphs (9)
15 through (14) as paragraphs (10) through (15),
16 respectively; and

17 (C) by inserting after paragraph (8) the
18 following new paragraph:

19 “(9) the term ‘Nuclear Incident Response
20 Team’ means a resource that includes—

21 “(A) those entities of the Department of
22 Energy that perform nuclear or radiological
23 emergency support functions (including accident
24 response, search response, advisory, and tech-
25 nical operations functions), radiation exposure

1 functions at the medical assistance facility
2 known as the Radiation Emergency Assistance
3 Center/Training Site (REAC/TS), radiological
4 assistance functions, and related functions; and

5 “(B) those entities of the Environmental
6 Protection Agency that perform such support
7 functions (including radiological emergency re-
8 sponse functions) and related functions.”.

9 (2) By striking section 502 (6 U.S.C. 312).

10 (3) In section 504(a)(3)(B) (6 U.S.C.
11 314(a)(3)(B)), by striking “, the National Disaster
12 Medical System,”.

13 (4) In section 506(e) (6 U.S.C. 316(e)), by
14 striking “section 708” each place it appears and in-
15 sserting “section 707”.

16 (5) In section 509(e)(2) (6 U.S.C. 319(e)(2)),
17 in the matter preceding subparagraph (A), by strik-
18 ing “section 708” and inserting “section 707”.

19 (f) TITLE VI.—Section 601 of the Homeland Secu-
20 rity Act of 2002 (6 U.S.C. 331) is amended by striking
21 “Director of Central Intelligence” each place it appears
22 and inserting “Director of National Intelligence”.

23 (g) TITLE VII.—Title VII of the Homeland Security
24 Act of 2002 (6 U.S.C. 341 et seq.) is amended as follows:

25 (1) By striking section 706 (6 U.S.C. 346).

1 (2) By redesignating section 707 (6 U.S.C.
2 347) as section 706.

3 (3) By redesignating section 708 as section
4 707.

5 (4) By redesignating section 709 (relating to
6 the Office of Strategy, Policy, and Plans) as section
7 708.

8 (5) In section 708, as so redesignated, in sub-
9 section (c)(3), by striking “section 707” and insert-
10 ing “section 706”.

11 (h) TITLE VIII.—Title VIII of the Homeland Secu-
12 rity Act of 2002 (6 U.S.C. 361 et seq.) is amended as
13 follows:

14 (1) By redesignating section 812 as section
15 811.

16 (2) In section 811, as so redesignated—

17 (A) by striking subsections (a) and (c);
18 and

19 (B) in subsection (b)—

20 (i) by striking “(as added by sub-
21 section (a) of this section)” each place it
22 appears;

23 (ii) by redesignating paragraphs (2)
24 through (4) as subsections (b) through (d),
25 respectively, and by moving such sub-

1 sections, as so redesignated, two ems to
2 the left;

3 (iii) in paragraph (1), by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by
4 moving such paragraphs, as so redesignated, two ems to the left; and
5
6

7
8 (iv) by striking “(b) PROMULGATION
9 OF INITIAL GUIDELINES.—” and all that
10 follows through “In this subsection” and
11 inserting the following:

12 “(a) DEFINITION.—In this section”;

13 (C) in subsection (b), as so redesignated,
14 by striking “IN GENERAL” and inserting “IN
15 GENERAL”;

16 (D) in subsection (c), as so redesignated,
17 by striking “MINIMUM REQUIREMENTS” and inserting “MINIMUM REQUIREMENTS”; and
18

19 (E) in subsection (d), as so redesignated,
20 by striking “NO LAPSE OF AUTHORITY” and inserting “NO LAPSE OF AUTHORITY”.

21
22 (3) In section 843(b)(1)(B) (6 U.S.C.
23 413(b)(1)(B)), by striking “as determined by” and
24 all that follows through “; and” and inserting “as
25 determined by the Secretary; and”.

1 (4) By striking section 857 (6 U.S.C. 427).

2 (5) By redesignating section 858 (6 U.S.C.
3 428) as section 857.

4 (6) By striking section 872 (6 U.S.C. 452).

5 (7) By striking section 881 (6 U.S.C. 461).

6 (8) In section 892 (6 U.S.C. 482)—

7 (A) in subsection (b)(7), by striking “Di-
8 rector of Central Intelligence” and inserting
9 “Director of National Intelligence”; and

10 (B) in subsection (c)(3)(D), by striking
11 “Director of Central Intelligence” and inserting
12 “Director of National Intelligence”.

13 (9) By striking section 893 (6 U.S.C. 483).

14 (10) By redesignating section 894 (6 U.S.C.
15 484) as section 893.

16 (i) TITLE IX.—Section 903(a) of the Homeland Se-
17 curity Act of 2002 (6 U.S.C. 493(a)) is amended in the
18 subsection heading by striking “MEMBERS—” and insert-
19 ing “MEMBERS.—”.

20 (j) TITLE X.—Section 1001(e)(1) of the Homeland
21 Security Act of 2002 (6 U.S.C. 511(e)(1)) is amended by
22 striking “Director of Central Intelligence” and inserting
23 “Director of National Intelligence”.

24 (k) TITLE XV.—Title XV of the Homeland Security
25 Act of 2002 (6 U.S.C. 541 et seq.) is amended as follows:

1 (1) By striking section 1502 (6 U.S.C. 542).

2 (2) By redesignating section 1503 (6 U.S.C.
3 543) as section 1502.

4 (l) TITLE XVI.—Section 1611(d)(1) of the Homeland
5 Security Act of 2002 (6 U.S.C. 563(d)(1)) is amended by
6 striking “section 707” and inserting “section 706”.

7 (m) TITLE XIX.—Section 1902(b)(3) of the Home-
8 land Security Act of 2002 (6 U.S.C. 592(b)(3)) is amend-
9 ed—

10 (1) in the paragraph heading, by striking “HA-
11 WAHAN NATIVE-SERVING” and inserting “NATIVE
12 HAWAIIAN-SERVING”; and

13 (2) by striking “Hawaiian native-serving” and
14 inserting “Native Hawaiian-serving”.

15 (n) TITLE XX.—Section 2021 of the Homeland Se-
16 curity Act of 2002 (6 U.S.C. 611) is amended—

17 (1) by striking subsection (e); and

18 (2) by redesignating subsection (d) as sub-
19 section (e).

20 (o) TABLE OF CONTENTS.—The table of contents in
21 section 1(b) of the Homeland Security Act of 2002 (6
22 U.S.C. 101 note) is amended as follows:

23 (1) By striking the items relating to sections
24 317, 319, 318, and 319 and inserting the following
25 new items:

“Sec. 317. Promoting antiterrorism through international cooperation program.

“Sec. 318. Social media working group.”

“Sec. 319. Transparency in research and development.”

“Sec. 320. EMP and GMD mitigation research and development.”.

1 (2) By striking the items relating to sections
2 401 and 402 and inserting the following new item:

“Sec. 401. Border, maritime, and transportation responsibilities.”.

3 (3) By striking the item relating to section 417
4 and inserting the following new item:

“Sec. 416. Allocation of resources by the Secretary.”.

5 (4) By striking the items relating to sections
6 427 through 433 and inserting the following new
7 items:

“Sec. 425. Coordination of information and information technology.”

“Sec. 426. Visa issuance.”

“Sec. 427. Information on visa denials required to be entered into electronic
data system.”

“Sec. 428. Office for Domestic Preparedness.”

“Sec. 429. Border Enforcement Security Task Force.”

“Sec. 430. Prevention of international child abduction.”.

8 (5) By striking the items relating to sections
9 445 and 446.

10 (6) By amending the item relating to subtitle E
11 of title IV to read as follows:

“Subtitle E—United States Citizenship and Immigration Services”.

12 (7) By amending the item relating to section
13 451 to read as follows:

“Sec. 451. Establishment of United States Citizenship and Immigration Serv-
ices.”.

14 (8) By striking the items relating to sections
15 455, 456, 459, 460, and 461 and inserting before

1 the item relating to section 457 the following new
2 item:

“Sec. 455. Children’s affairs.”.

3 (9) By striking the items relating to sections
4 472 through 478 and inserting the following new
5 items:

“Sec. 472. Separation of funding.

“Sec. 473. Annual report on immigration functions.”.

6 (10) By striking the item relating to section
7 502.

8 (11) By striking the item relating to section
9 524.

10 (12) By striking the items relating to sections
11 706 through 709 and inserting the following new
12 items:

“Sec. 706. Quadrennial Homeland Security Review.

“Sec. 707. Joint Task Forces.

“Sec. 708. Office of Strategy, Policy, and Plans.”.

13 (13) By striking the items relating to sections
14 811 and 812 and inserting the following new item:

“Sec. 811. Law enforcement powers of Inspector General agents.”.

15 (14) By striking the items relating to sections
16 857 and 858 and inserting the following new item:

“Sec. 857. Identification of new entrants into the Federal marketplace.”.

17 (15) By striking the item relating to section
18 872.

19 (16) By striking the item relating to section
20 881.

1 (17) By striking the items relating to sections
2 893 and 894 and inserting the following new item:

“Sec. 893. Authorization of appropriations.”

3 (18) By striking the items relating to sections
4 1502 and 1503 and inserting the following new
5 item:

“Sec. 1502. Review of congressional committee structures.”

6 **SEC. 1706. SAVINGS CLAUSE.**

7 Nothing in this Act shall be construed as providing
8 the Department of Homeland Security or any of its com-
9 ponents, agencies, or programs with real property author-
10 ity, including with respect to leases, construction, or other
11 acquisitions and disposals.

12 **DIVISION B—U.S. IMMIGRATION**
13 **AND CUSTOMS ENFORCEMENT**

14 **SEC. 2001. SHORT TITLE.**

15 This division may be cited as the “Immigration and
16 Customs Enforcement Authorization Act of 2017”.

17 **SEC. 2002. ESTABLISHMENT OF U.S. IMMIGRATION AND**
18 **CUSTOMS ENFORCEMENT.**

19 (a) **IN GENERAL.**—Section 442 of the Homeland Se-
20 curity Act of 2002 (6 U.S.C. 252) is amended to read
21 as follows:

1 **“SEC. 442. ESTABLISHMENT OF U.S. IMMIGRATION AND**
2 **CUSTOMS ENFORCEMENT.**

3 “(a) **ESTABLISHMENT.**—There is established within
4 the Department an agency to be known as ‘U.S. Immigra-
5 tion and Customs Enforcement’.

6 “(b) **DIRECTOR OF U.S. IMMIGRATION AND CUSTOMS**
7 **ENFORCEMENT.**—There shall be at the head of U.S. Im-
8 migration and Customs Enforcement a Director of U.S.
9 Immigration and Customs Enforcement (in this section re-
10 ferred to as the ‘Director’).

11 “(c) **DUTIES AND QUALIFICATIONS.**—The Director
12 shall—

13 “(1) have a minimum five years—

14 “(A) professional experience in law en-
15 forcement (which may include enforcement of
16 the immigration laws, as defined in section
17 101(a)(17) of the Immigration and Nationality
18 Act (8 U.S.C. 1101(a)(17)) or the customs and
19 trade laws of the United States, as defined in
20 section 2 of the Trade Facilitation and Trade
21 Enforcement Act of 2015 (19 U.S.C. 4301));
22 and

23 “(B) management experience;

24 “(2) identify, arrest, detain and seek the re-
25 moval of inadmissible and deportable aliens and oth-
26 erwise enforce the immigration laws (as defined in

1 section 101(a)(17) of the Immigration and Nation-
2 ality Act (8 U.S.C. 1101(a)(17))), other than
3 through criminal prosecutions;

4 “(3) investigate and, where appropriate, refer
5 for prosecution, any criminal or civil violation of
6 Federal law relating to or involving—

7 “(A) the immigration laws (as defined in
8 section 101(a)(17) of the Immigration and Na-
9 tionality Act (8 U.S.C. 1101(a)(17)));

10 “(B) border control and security, including
11 the prevention of the entry or residence of ter-
12 rorists, criminals, and human rights violators;

13 “(C) the customs and trade laws of the
14 United States, as defined in section 2 of the
15 Trade Facilitation and Trade Enforcement Act
16 of 2015 (19 U.S.C. 4301);

17 “(D) the import or export of merchandise,
18 including the illicit possession, movement of, or
19 trade in goods, services, property, arms, instru-
20 ments of terrorism, items controlled or prohib-
21 ited from export, child exploitation, intellectual
22 property, or currency or other monetary instru-
23 ments;

1 “(E) bulk cash smuggling or other finan-
2 cial crimes with a cross border or international
3 nexus;

4 “(F) transnational gang activity;

5 “(G) chapter 40 or 44 of title 18, United
6 States Code, or other violation relating to fire-
7 arms, explosives, or other destructive devices in-
8 volving an alien;

9 “(H) severe forms of trafficking in per-
10 sons, as defined in section 103 of the Traf-
11 ficking Victims Protection Act of 2000 (22
12 U.S.C. 7102);

13 “(I) the production, procurement, counter-
14 feiting, alteration, or use of fraudulent immi-
15 gration documents or fraudulently obtaining im-
16 migration benefits;

17 “(J) unlawful use of personal information,
18 including immigration document fraud, when
19 such use relates to or affects border security,
20 terrorism, customs, immigration, naturalization,
21 trade, travel, or transportation security;

22 “(K) drug laws, as specified in the Con-
23 trolled Substance Act and the Controlled Sub-
24 stance Import and Export Act in the context of
25 cross-border criminal activity; or

1 “(L) fraud or false statements relating to
2 or involving any matter specified in this para-
3 graph.

4 “(4) administer the National Intellectual Prop-
5 erty Rights Coordination Center established in sec-
6 tion 305 of the Trade Facilitation and Trade En-
7 forcement Act of 2015 (Public Law 114–125; 19
8 U.S.C. 4344);

9 “(5) jointly with the Commissioner of U.S. Cus-
10 toms and Border Protection, develop and submit the
11 joint strategic plan required under section 105 of
12 the Trade Facilitation and Trade Enforcement Act
13 of 2015 (Public Law 114–125; 19 U.S.C. 4314);

14 “(6) coordinate with Federal, State, local, trib-
15 al, and foreign agencies in carrying out the duties
16 described in paragraphs (2) and (3);

17 “(7) in coordination with the Department of
18 State and the Office of International Affairs of the
19 Department, establish staff liaison offices and vetted
20 units in appropriate foreign countries to support the
21 counterterrorism efforts and other international ac-
22 tivities including investigations and repatriation ef-
23 forts;

1 “(8) assign employees of the Department to
2 diplomatic and consular posts, in coordination with
3 the Secretary, pursuant to section 426(e);

4 “(9) establish, maintain, and administer appro-
5 priate interagency law enforcement centers in fur-
6 therance of the Director’s statutory duties, including
7 interagency centers, in accordance with applicable
8 law, or as prescribed by the Secretary;

9 “(10) administer the Border Enforcement Secu-
10 rity Task Force established under section 429;

11 “(11) operate the Cyber Crimes Center estab-
12 lished in section 890A;

13 “(12) in carrying out paragraph (3), administer
14 internal conspiracy investigations at United States
15 ports of entry; and

16 “(13) carry out other duties and powers pre-
17 scribed by law, or delegated by the Secretary.

18 “(d) GENERAL ENFORCEMENT POWERS.—The Di-
19 rector may authorize agents and officers of U.S. Immigra-
20 tion and Customs Enforcement to—

21 “(1) carry out the duties and responsibilities
22 authorized under sections 287 and 274A of the Im-
23 migration and Nationality Act (8 U.S.C. 1357 and
24 8 U.S.C. 1324(a)) and section 589 of the Tariff Act
25 of 1930 (19 U.S.C. 1589a);

1 “(2) offer and pay rewards for services and in-
2 formation leading to the apprehension of persons in-
3 volved in the violation or attempted violation of
4 those provisions of law which United States Immi-
5 gration and Customs Enforcement is authorized by
6 statute to enforce;

7 “(3) conduct undercover investigative oper-
8 ations pursuant to section 294 of the Immigration
9 and Nationality Act (8 U.S.C. 1363a); and section
10 3131 of the Customs Enforcement Act of 1986 (19
11 U.S.C. 2081; enacted as part of the Anti-Drug
12 Abuse Act of 1986); and

13 “(4) carry out other duties and responsibilities
14 provided under the laws of the United States.

15 “(e) DEPUTY DIRECTOR.—There shall be a Deputy
16 Director of United States U.S. Immigration and Customs
17 Enforcement who shall assist the Director in managing
18 U.S. Immigration and Customs Enforcement and who
19 shall assist the Director in carrying out the Directors du-
20 ties.

21 “(f) OFFICE OF HOMELAND SECURITY INVESTIGA-
22 TIONS.—

23 “(1) IN GENERAL.—There is established in
24 U.S. Immigration and Customs Enforcement an Of-
25 fice of Homeland Security Investigations.

1 “(2) EXECUTIVE ASSOCIATE DIRECTOR.—There
2 shall be at the head of the Office of Homeland Secu-
3 rity Investigations an Executive Associate Director,
4 who shall report to the Director.

5 “(3) DUTIES.—The Office of Homeland Secu-
6 rity Investigations shall—

7 “(A) serve as the law enforcement office of
8 U.S. Immigration and Customs Enforcement
9 with a primary responsibility to conduct inves-
10 tigations of terrorist organizations and other
11 criminal organizations that threaten homeland
12 or border security;

13 “(B) serve as the law enforcement office of
14 U.S. Immigration and Customs Enforcement
15 with responsibility to conduct investigations of,
16 and, where appropriate, refer for prosecution,
17 any criminal or civil violation of Federal law,
18 including—

19 “(i) money laundering offenses with a
20 cross-border nexus;

21 “(ii) bulk cash smuggling with a
22 cross-border nexus;

23 “(iii) commercial fraud with a cross-
24 border nexus and intellectual property
25 theft;

1 “(iv) cybercrimes;

2 “(v) human smuggling and human
3 trafficking as defined in section 103 of the
4 Trafficking Victims Protection Act of 2000
5 (22 U.S.C. 7102) ; and human rights vio-
6 lations as defined by 28 U.S.C. 509B(e);

7 “(vi) narcotics and weapons smug-
8 gling and trafficking;

9 “(vii) export violations;

10 “(viii) international art and antiquity
11 theft;

12 “(ix) identity and benefits fraud, as
13 those terms are defined in title 8 and title
14 18, United States Code, relating to or in-
15 volving any matter specified in this sub-
16 paragraph; and

17 “(x) any other criminal or civil viola-
18 tion prescribed by law or delegated by the
19 Director;

20 “(C) administer the program to collect in-
21 formation relating to nonimmigrant foreign stu-
22 dents and other exchange program participants
23 described in section 641 of the Illegal Immigra-
24 tion Reform and Immigrant Responsibility Act
25 of 1996 (8 U.S.C. 1372), including the Student

1 and Exchange Visitor Information System es-
2 tablished under such section, and use such in-
3 formation to carry out the enforcement func-
4 tions of United States Immigration and Cus-
5 toms Enforcement;

6 “(D) administer a National Export En-
7 forcement Coordination Center, which shall
8 serve as the primary information sharing forum
9 within the Federal Government to coordinate,
10 promote, and assist Federal and international
11 investigations of export control offenses;

12 “(E) conduct investigations of alleged vio-
13 lations of, and make arrests under, section
14 274A of the Immigration and Nationality Act
15 (8 U.S.C. 1324a), including referring for pros-
16 ecution, or levying monetary penalties against,
17 an employer found to be in violation of such
18 section, and administratively arresting, and ini-
19 tiating removal proceeding against, an alien un-
20 lawfully employed;

21 “(F) administer a Human Smuggling and
22 Trafficking Center, which shall serve as the pri-
23 mary information sharing forum within the
24 Federal Government to coordinate, promote,
25 and assist Federal and international investiga-

1 tions in human smuggling and trafficking inves-
2 tigations;

3 “(G) administer the Bulk Cash Smuggling
4 Center, which shall serve to investigate domes-
5 tic and international bulk cash smuggling ac-
6 tivities and support law enforcement in efforts
7 to investigate and restrict bulk cash smuggling;

8 “(H) investigate and refer for prosecution
9 public safety matters involving (to the extent
10 provided in subsection (b)(4))—

11 “(i) large-scale operations prosecuted
12 pursuant to chapter 96 (relating to rack-
13 eteer influenced and corrupt organizations)
14 of title 18, United States Code; and

15 “(ii) the smuggling into, and sale
16 within, the United States of weapons; and

17 “(I) carry out other duties and powers pre-
18 scribed by the Director.

19 “(g) OFFICE OF ENFORCEMENT AND REMOVAL OP-
20 ERATIONS.—

21 “(1) IN GENERAL.—There is established in
22 U.S. Immigration and Customs Enforcement an Of-
23 fice of Enforcement and Removal Operations.

24 “(2) EXECUTIVE ASSOCIATE DIRECTOR.—There
25 shall be at the head of the Office of Enforcement

1 and Removal Operations an Executive Associate Di-
2 rector, who shall report to the Director.

3 ~~“(3) DUTIES.—The Office of Enforcement and~~
4 ~~Removal Operations shall—~~

5 ~~“(A) serve as the law enforcement office of~~
6 ~~U.S. Immigration and Customs Enforcement~~
7 ~~with primary responsibility to enforce the civil~~
8 ~~immigration and nationality laws of the United~~
9 ~~States;~~

10 ~~“(B) identify, locate, arrest, detain, and~~
11 ~~seek the removal of aliens in custodial settings~~
12 ~~or at-large, and remove aliens ordered removed,~~
13 ~~who—~~

14 ~~“(i) are inadmissible or deportable~~
15 ~~under sections 212(a)(3) or 237(a)(4) of~~
16 ~~the Immigration and Nationality Act (8~~
17 ~~U.S.C. 1182(a)(3) or 1227(a)(4)), or oth-~~
18 ~~erwise present a national security risk to~~
19 ~~the United States;~~

20 ~~“(ii) are inadmissible or deportable~~
21 ~~under sections 212(a)(2) or 237(a)(2) of~~
22 ~~the Immigration and Nationality Act (8~~
23 ~~U.S.C. 1182(a)(2) or 1227(a)(2));~~

1 “(iii) undermine the border security
2 efforts and operations of the United
3 States;

4 “(iv) enter the United States in viola-
5 tion of Federal law;

6 “(v) are unlawfully present in the
7 United States;

8 “(vi) are members of a criminal gang
9 or participate in gang-related crimes, ex-
10 cept as described in subsection (f)(3);

11 “(vii) constitute threats to the public
12 safety; or

13 “(viii) are otherwise subject to exclu-
14 sion, deportation, or removal from the
15 United States.

16 “(C) refer for prosecution aliens described
17 in subparagraph (B) or section 922(g)(5) of
18 title 18, United States Code;

19 “(D) have custody (and the authority to
20 release) over aliens detained for potential exclu-
21 sion, deportation, or removal from the United
22 States; manage the administrative immigration
23 detention operations of U.S. Immigration and
24 Customs Enforcement; and provide necessary;

1 and appropriate medical care to detained aliens
2 in the custody of the agency;

3 “(E) plan, coordinate, and manage the
4 execution of exclusion, deportation, and removal
5 orders issued to aliens;

6 “(F) investigate and refer for prosecution
7 a civil or criminal violation of the immigration
8 laws or an offense described in section
9 287(a)(5) of the Immigration and Nationality
10 Act (8 U.S.C. 1357(a)(5)); and

11 “(G) carry out other duties and powers as
12 prescribed by the Director.

13 “(h) OFFICE OF THE PRINCIPAL LEGAL ADVISOR.—

14 “(1) IN GENERAL.—There is established in
15 U.S. Immigration and Customs Enforcement an Of-
16 fice of the Principal Legal Advisor.

17 “(2) PRINCIPAL LEGAL ADVISOR.—There shall
18 be at the head of the Office the Principal Legal Ad-
19 visor a Principal Legal Advisor.

20 “(3) DUTIES.—The office of the Principal
21 Legal Advisor shall—

22 “(A) provide specialized legal advice and
23 policy guidance to the Director;

24 “(B) represent the Department in all ex-
25 clusion, deportation, and removal proceedings

1 before the Executive Office for Immigration Re-
2 view;

3 “(C) represent U.S. Immigration and Cus-
4 toms Enforcement in venues and fora as au-
5 thorized by the Director or General Counsel of
6 the Department of Homeland Security, or oth-
7 erwise permitted by law; and

8 “(D) carry out other duties and powers as
9 prescribed by the Director.

10 “(i) OFFICE OF PROFESSIONAL RESPONSIBILITY.—

11 “(1) IN GENERAL.—There is established in
12 U.S. Immigration and Customs Enforcement an Of-
13 fice of Professional Responsibility.

14 “(2) ASSISTANT DIRECTOR.—There shall be at
15 the head of the Office of Professional Responsibility
16 an Assistant Director, who shall report to the Direc-
17 tor.

18 “(3) DUTIES.—The Office of Professional Re-
19 sponsibility shall—

20 “(A) investigate allegations of administra-
21 tive, civil, and criminal misconduct involving
22 any employee or contractor of U.S. Immigration
23 and Customs Enforcement;

24 “(B) inspect and review United States Im-
25 migration and Customs Enforcement’s offices;

1 operations, and processes, including detention
2 facilities operated or used by U.S. Immigration
3 and Customs Enforcement, and provide an
4 independent review of United States Immigra-
5 tion and Custom Enforcement's organizational
6 health, effectiveness, and efficiency of mission;

7 “(C) provide and manage the security pro-
8 grams and operations for U.S. Immigration and
9 Customs Enforcement; and

10 “(D) carry out other duties and powers as
11 prescribed by the Director.

12 “(j) OFFICE OF MANAGEMENT AND ADMINISTRA-
13 TION.—

14 “(1) IN GENERAL.—There is established in
15 U.S. Immigration and Customs Enforcement an Of-
16 fice of Management and Administration.

17 “(2) EXECUTIVE ASSOCIATE DIRECTOR.—There
18 shall be at the head of the Office of Management
19 and Administration an Executive Associate Director,
20 who shall report to the Director.

21 “(3) DUTIES.—The Office of Management and
22 Administration shall—

23 “(A) administer the Office of Human Cap-
24 ital to provide guidance to the agency and en-

1 sure compliance with human resources policies
2 and practices;

3 “(B) administer the Office of Chief Finan-
4 cial Officer;

5 “(C) administer the Office of Policy to de-
6 velop and communicate the agency policies and
7 priorities;

8 “(D) create best practices to efficiently re-
9 spond to all Freedom of Information Act re-
10 quests received by the agency;

11 “(E) manage all information technology
12 systems within the agency; and

13 “(F) carry out additional duties as as-
14 signed or delegated by the Director.

15 “(k) DEPARTMENTAL EVIDENCE DATABASES.—Not-
16 withstanding any other provision of this Act, any officer
17 within the Office of Enforcement and Removal Operations
18 engaged in the duties of that office under subsection
19 (f)(3)(C) or (f)(3)(F) shall be provided access, in connec-
20 tion to such duties, to databases necessary for the proper
21 collection, recordation, and retention of any evidence col-
22 lected.

23 “(l) OTHER AUTHORITIES.—

24 “(1) IN GENERAL.—The Secretary may estab-
25 lish such other Executive Associate Directors, or

1 other similar positions or officials, as the secretary
2 determines necessary to carry out the missions, du-
3 ties, functions, and authorities of U.S. Immigration
4 and Customs Enforcement.

5 “(2) NOTIFICATION.—If the Secretary exercises
6 the authority provided pursuant to paragraph (1),
7 the Secretary shall notify the Committee on the Ju-
8 diciary and the Committee on Homeland Security of
9 the House of Representatives and the Committee on
10 the Judiciary and the Committee on Homeland Se-
11 curity and Governmental Affairs of the Senate not
12 later than 30 days before exercising such authority.

13 “(m) OTHER FEDERAL AGENCIES.—Nothing in this
14 section may be construed as affecting or limiting in any
15 manner the authority, as in existence on the day before
16 the date of the enactment of this section, of any other
17 Federal agency or other component of the Department.”.

18 (b) SPECIAL RULES.—

19 (1) TREATMENT.—Section 442 of the Home-
20 land Security Act of 2002, as amended by subsection
21 (a) of this section, shall be treated as if included in
22 such Act as of the date of the enactment of such
23 Act. In addition to the functions, missions, duties,
24 and authorities specified in such amended section
25 442, U.S. Immigration and Customs Enforcement

1 shall continue to perform and carry out the func-
2 tions, missions, duties, and authorities under section
3 442 of such Act as in existence on the day before
4 such date of enactment (notwithstanding the treat-
5 ment described in this paragraph).

6 ~~(2) RULES OF CONSTRUCTION.—~~

7 ~~(A) RULES AND REGULATIONS.—~~Notwith-
8 standing the treatment described in paragraph
9 ~~(1)~~, nothing in this division may be construed
10 as affecting in any manner any rule or regula-
11 tion issued or promulgated pursuant to any
12 provision of law, including section 442 of the
13 Homeland Security Act of 2002, as in existence
14 on the day before the date of the enactment of
15 this division, and any such rule or regulation
16 shall continue to have full force and effect on
17 and after such date.

18 ~~(B) OTHER ACTIONS.—~~Notwithstanding
19 the treatment described in paragraph ~~(1)~~, noth-
20 ing in this division may be construed as affect-
21 ing in any manner any action, determination,
22 policy, or decision pursuant to section 442 of
23 the Homeland Security Act of 2002 as in exist-
24 ence on the day before the date of the enact-
25 ment of this division, and any such action, de-

1 termination, policy, or decision shall continue to
2 have full force and effect on and after such
3 date.

4 (c) CONTINUATION IN OFFICE.—

5 (1) DIRECTOR.—The individual serving as the
6 Director of U.S. Immigration and Customs Enforce-
7 ment on the day before the date of the enactment
8 of this division (notwithstanding the treatment de-
9 scribed in subsection (b)(1)) may serve as the Direc-
10 tor of U.S. Immigration and Customs Enforcement
11 in accordance with section 442 of the Homeland Se-
12 curity Act of 2002, as amended by subsection (a),
13 until the earlier of—

14 (A) the date on which such individual is no
15 longer eligible to serve as Director; or

16 (B) the date on which a person nominated
17 by the President to be the Director is confirmed
18 by the Senate in accordance with such section
19 441.

20 (2) OTHER POSITIONS.—The individuals serv-
21 ing as the Deputy Director, Executive Associate Di-
22 rectors, Deputy Executive Associate Directors, or
23 similar officers or officials of U.S. Immigration and
24 Customs Enforcement under section 442 of the
25 Homeland Security Act of 2002 on the day before

1 the date of the enactment of this division (notwith-
2 standing the treatment described in subsection
3 (b)(1)) may serve as the appropriate Deputy Direc-
4 tor, Executive Associate Directors, Deputy Executive
5 Associate Directors, Associate Directors, Deputy As-
6 sociate Directors, Assistant Directors, and other of-
7 ficers and officials under section 442 of such Act, as
8 amended by subsection (a), unless the Director of
9 U.S. Immigration and Customs Enforcement deter-
10 mines that another individual should hold such posi-
11 tion.

12 (c) CLERICAL AMENDMENT.—The table of contents
13 in section 1(b) of the Homeland Security Act of 2002 is
14 amended by striking the item relating to section 442 and
15 inserting the following:

“Sec. 442. Establishment of U.S. Immigration and Customs Enforcement.”.

16 (d) TRANSPORTATION.—Section 1344(b)(6) of title
17 31, United States Code, is amended by inserting “the Di-
18 rector of U.S. Immigration and Customs Enforcement, the
19 Commissioner of U.S. Customs and Border Protection,”
20 after “the Administrator of the Drug Enforcement Admin-
21 istration,”.

22 (e) RULE OF CONSTRUCTION.—Nothing in this Act
23 or the amendments made by this Act may be construed
24 as creating any new ground for removal under the immi-
25 gration laws (as such term is defined in section 101(a)(17)

1 of the Immigration and Nationality Act (8 U.S.C.
2 1101(a)(17)).

3 (f) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that a primary mission of U.S. Immigration and
5 Customs Enforcement is to enforce the full range of immi-
6 gration laws within the interior of the United States.

7 (g) CONFORMING AMENDMENTS.—

8 (1) TITLE 5.—Section 5314 of title 5, United
9 States Code, is amended by inserting after “Director
10 of the Bureau of Citizenship and Immigration Serv-
11 ices.” the following new item: “Director of U.S. Im-
12 migration and Customs Enforcement.”.

13 (2) INSPECTOR GENERAL ACT OF 1978.—Sec-
14 tion 8I(e) of the Inspector General Act of 1978 (5
15 U.S.C. App.) is amended by striking “the Bureau of
16 Border Security,” and inserting “United States Im-
17 migration and Customs Enforcement,”.

18 (3) TRADE FACILITATION AND TRADE EN-
19 FORCEMENT ACT OF 2015.—Paragraph (2) of section
20 802(d) of the Trade Facilitation and Trade Enforce-
21 ment Act of 2015 (Public Law 114–125) is amended
22 by inserting before the period at the end of the fol-
23 lowing: “or the Director of U.S. Immigration and
24 Customs Enforcement, as determined by the Sec-
25 retary of Homeland Security”.

1 (4) HOMELAND SECURITY ACT OF 2002.—Title
2 IV of the Homeland Security Act of 2002 is amend-
3 ed—

4 (A) in subtitle C—

5 (i) in subsection (e) of section 426 (as
6 redesignated in section 1705 of this Act),
7 by adding at the end the following new
8 paragraph:

9 “(9) DELEGATED AUTHORITY.—For purposes
10 of this subsection, the Secretary shall act through
11 the Director of U.S. Immigration and Customs En-
12 forcement.”; and

13 (ii) in section 429 (as redesignated in
14 section 1705 of this Act)—

15 (I) by redesignating subsection
16 (e) as subsection (f); and

17 (II) by inserting after subsection
18 (d) the following new subsection:

19 “(e) ADMINISTRATION.—The Director of U.S. Immi-
20 gration and Customs Enforcement shall administer BEST
21 units established under this section.”; and

22 (B) in subtitle E, in subsection (a)(2)(C)
23 of section 451 (6 U.S.C. 271), by striking “at
24 the same level as the Assistant Secretary of the
25 Bureau of Border Security” and inserting “in

1 accordance with section 5314 of title 5, United
2 States Code”; and

3 (h) CLERICAL AMENDMENTS.—The table of contents
4 in section 1(b) of such Act is amended by striking the
5 item relating to subtitle D of title IV and inserting the
6 following new item:

“Subtitle D—U.S. Immigration and Customs Enforcement”.

7 **DIVISION C—UNITED STATES**
8 **CITIZENSHIP AND IMMIGRA-**
9 **TION SERVICES**

10 **SEC. 3001. SHORT TITLE.**

11 This division may be cited as the “United States Citi-
12 zenship and Immigration Services Authorization Act”.

13 **SEC. 3002. ESTABLISHMENT OF UNITED STATES CITIZEN-**
14 **SHIP AND IMMIGRATION SERVICES.**

15 (a) IN GENERAL.—Section 451 of the Homeland Se-
16 curity Act of 2002 (6 U.S.C. 271) is amended to read
17 as follows:

18 **“SEC. 451. ESTABLISHMENT OF UNITED STATES CITIZEN-**
19 **SHIP AND IMMIGRATION SERVICES.**

20 “(a) ESTABLISHMENT.—There is established within
21 the Department an agency to be known as ‘United States
22 Citizenship and Immigration Services’.

23 “(b) DIRECTOR OF UNITED STATES CITIZENSHIP
24 AND IMMIGRATION SERVICES.—There shall be at the head
25 of United States Citizenship and Immigration Services a

1 Director of United States Citizenship and Immigration
2 Services (in this section referred to as the ‘Director’).

3 “(e) QUALIFICATIONS AND DUTIES.—The Director
4 shall—

5 “(1) have at least 5 years of management expe-
6 rience;

7 “(2) establish the policies and priorities of
8 United States Citizenship and Immigration Services;

9 “(3) advise the Secretary of any policy or oper-
10 ation that affects, in a significant manner, the mis-
11 sion of another Department component;

12 “(4) meet regularly with the U.S. Citizenship
13 and Immigration Services Ombudsman (established
14 in section 452).

15 “(5) carry out—

16 “(A) the adjudication of immigrant and
17 nonimmigrant visa applications and petitions;

18 “(B) the adjudication of naturalization ap-
19 plications;

20 “(C) the adjudication of asylum and ref-
21 ugee applications;

22 “(D) adjudications performed at service
23 centers; and

24 “(E) all other adjudications formerly per-
25 formed pursuant to this section by the Immi-

1 gration and Naturalization Service or the Bu-
2 reau of Citizenship and Immigration Services;
3 on the day before the date of the enactment of
4 the United States Citizenship and Immigration
5 Services Authorization Act; and

6 “(6) carry out other duties and powers pre-
7 scribed by law or delegated by the Secretary.

8 “(d) DEPUTY DIRECTOR.—There shall be a Deputy
9 Director of United States Citizenship and Immigration
10 Services who shall assist the Director in managing United
11 States Citizenship and Immigration Services and who
12 shall assist the Director in carrying out the Directors du-
13 ties.

14 “(e) OFFICE OF THE CHIEF COUNSEL.—

15 “(1) IN GENERAL.—There is established within
16 United States Citizenship and Immigration Services
17 an Office of the Chief Counsel.

18 “(2) CHIEF COUNSEL.—There shall be at the
19 head of the Office of the Chief Counsel a Chief
20 Counsel.

21 “(3) DUTIES.—The Office of the Chief Counsel
22 shall—

23 “(A) provide specialized legal advice, opin-
24 ions, determinations, and other assistance to
25 the Director with respect to legal matters af-

1 fecting United States Citizenship and Immigra-
2 tion Services;

3 “(B) represent United States Citizenship
4 and Immigration Services in visa petition ap-
5 peal proceedings when applicable; and

6 “(C) carry out other duties and powers
7 prescribed by law or delegated by the Director.

8 “(f) OFFICE OF POLICY AND STRATEGY.—

9 “(1) IN GENERAL.—There is established within
10 United States Citizenship and Immigration Services
11 an Office of Policy and Strategy.

12 “(2) CHIEF.—There shall be at the head of the
13 Office of Policy and Strategy a Chief.

14 “(3) DUTIES.—The Office of Policy and Strat-
15 egy shall—

16 “(A) develop policy recommendations for
17 the Director;

18 “(B) coordinate strategy for policy imple-
19 mentation; and

20 “(C) carry out other duties and powers
21 prescribed by law or delegated by the Director.

22 “(g) OFFICE OF CITIZENSHIP.—

23 “(1) IN GENERAL.—There is established within
24 United States Citizenship and Immigration Services
25 an Office of Citizenship.

1 “(2) CHIEF.—There shall be at the head of the
2 Office of Citizenship a Chief.

3 “(3) DUTIES.—The Office of Citizenship
4 shall—

5 “(A) promote instruction and training on
6 citizenship responsibilities, as well as assimila-
7 tion and civic integration, for eligible aliens who
8 are interested in becoming naturalized citizens
9 of the United States; and

10 “(B) carry out other duties and powers
11 prescribed by law or delegated by the Director.

12 “(h) FRAUD DETECTION AND NATIONAL SECURITY
13 DIRECTORATE.—

14 “(1) IN GENERAL.—There is established within
15 United States Citizenship and Immigration Services
16 a Fraud Detection and National Security Direc-
17 torate.

18 “(2) ASSOCIATE DIRECTOR.—There shall be at
19 the head of the Fraud Detection and National Secu-
20 rity Directorate an Associate Director who shall re-
21 port to the Director.

22 “(3) DUTIES.—The Fraud Detection and Na-
23 tional Security Directorate Office of Citizenship
24 shall in a manner that is consistent with the immi-
25 gration laws (as such term is defined in section

1 101(a)(17) of the Immigration and Nationality Act
2 (8 U.S.C. 1101(a)(17))—

3 “(A) seek to prevent immigration benefits
4 from being granted to individuals who pose a
5 threat to national security or public safety;

6 “(B) seek to prevent immigration benefits
7 from being granted to individuals who defraud
8 the immigration system;

9 “(C) conduct security and background in-
10 vestigations of applicants for immigration bene-
11 fits and develop systems and techniques for
12 identifying and preventing immigration benefits
13 fraud;

14 “(D) investigate and refer to U.S. Immi-
15 gration and Customs Enforcement, where ap-
16 propriate, incidents of known or suspected
17 fraud; and

18 “(E) carry out other duties and powers
19 prescribed by law or delegated by the Director.

20 “(i) IMMIGRATION RECORDS AND IDENTITY SERV-
21 ICES DIRECTORATE.—

22 “(1) IN GENERAL.—There is established within
23 United States Citizenship and Immigration Services
24 an Immigration Records and Identity Services Di-
25 rectorate.

1 “(2) ASSOCIATE DIRECTOR.—There shall be at
2 the head of the Immigration Records and Identity
3 Services Directorate an Associate Director who shall
4 report to the Director.

5 “(3) DUTIES.—The Immigration Records and
6 Identity Services Directorate shall—

7 “(A) manage the operation of an employ-
8 ment eligibility verification system as provided
9 for by section 404 of the Illegal Immigration
10 and Immigrant Responsibility Act of 1996
11 (U.S.C. 1324a note) or any successor provision;

12 “(B) manage the operation of the System-
13 atic Alien Verification for Entitlements Pro-
14 gram, or its successor program, designed to as-
15 sist Federal, State, and local benefit-issuing
16 agencies, institutions, and licensing agencies in
17 determining the immigration status of benefit
18 applicants so only those legally entitled to bene-
19 fits receive them;

20 “(C) manage the biometric services, includ-
21 ing the collection and dissemination of biomet-
22 ric information, provided to United States Citi-
23 zenship and Immigration Services components;

1 “(D) manage immigration records and pro-
2 vide information regarding such records to
3 stakeholders; and

4 “(E) carry out other duties and powers
5 prescribed by law or delegated by the Director.

6 “(j) FIELD OPERATIONS DIRECTORATE.—

7 “(1) IN GENERAL.—There is established within
8 United States Citizenship and Immigration Services
9 a Field Operations Directorate.

10 “(2) ASSOCIATE DIRECTOR.—There shall be at
11 the head of the Field Operations Directorate an As-
12 sociate Director who shall report to the Director.

13 “(3) DUTIES.—The Field Operations Direc-
14 torate shall—

15 “(A) oversee all field offices;

16 “(B) oversee the adjudication of immigra-
17 tion benefits applications and petitions; and
18 naturalization applications;

19 “(C) conduct interviews for pending immi-
20 gration benefits applications and petitions;

21 “(D) conduct naturalization ceremonies;

22 “(E) conduct required security and back-
23 ground security checks for pending applications
24 and petitions;

1 “(F) ensure the integrity of immigration
2 benefit processing that occurs at the field of-
3 fices; and

4 “(G) carry out other duties and powers
5 prescribed by law or delegated by the Director.

6 “(k) REFUGEE, ASYLUM, AND INTERNATIONAL OP-
7 ERATIONS DIRECTORATE.—

8 “(1) IN GENERAL.—There is established within
9 United States Citizenship and Immigration Services
10 a Refugee, Asylum, and International Operations
11 Directorate.

12 “(2) ASSOCIATE DIRECTOR.—There shall be at
13 the head of the Refugee, Asylum, and International
14 Operations Directorate an Associate Director who
15 shall report to the Director.

16 “(3) DUTIES.—The Refugee, Asylum, and
17 International Operations Directorate shall—

18 “(A) oversee refugee application adjudica-
19 tion and interviews;

20 “(B) oversee asylum application adjudica-
21 tion and interviews;

22 “(C) seek to ensure the integrity of appli-
23 cation processing that occurs under the Ref-
24 ugee, Asylum and International Operations Di-
25 rectorate’s authority;

1 “(D) perform other authorized functions of
2 United States Citizenship and Immigration
3 Services outside of the United States, such as
4 those associated with international adoptions
5 and naturalization of members the Armed
6 Forces; and

7 “(E) carry out other duties and powers
8 prescribed by law or delegated by the Director.

9 “(1) SERVICE CENTER OPERATIONS DIREC-
10 TORATE.—

11 “(1) IN GENERAL.—There is established within
12 United States Citizenship and Immigration Services
13 a Service Center Operations Directorate.

14 “(2) ASSOCIATE DIRECTOR.—There shall be at
15 the head of the Service Center Operations Direc-
16 torate an Associate Director who shall report to the
17 Director.

18 “(3) DUTIES.—The Service Center Operations
19 Directorate shall—

20 “(A) oversee and manage all Service Cen-
21 ters;

22 “(B) oversee the adjudication of immigra-
23 tion benefit applications and petitions that
24 occur at Service Centers;

1 “(C) seek to ensure the integrity of immi-
2 gration benefits processing that occurs at the
3 Service Centers; and

4 “(D) carry out other duties and powers
5 prescribed by law or delegated by the Director.

6 “(m) MANAGEMENT DIRECTORATE.—

7 “(1) IN GENERAL.—There is established within
8 United States Citizenship and Immigration Services
9 a Management Directorate.

10 “(2) ASSOCIATE DIRECTOR.—There shall be at
11 the head of the Management Directorate an Asso-
12 ciate Director who shall report to the Director.

13 “(3) DUTIES.—The Management Directorate
14 shall carry out management duties and powers pre-
15 scribed by law or delegated by the Director.

16 “(n) OFFICE OF PROFESSIONAL RESPONSIBILITY.—

17 “(1) IN GENERAL.—There is established within
18 United States Citizenship and Immigration Services
19 an Office of Professional Responsibility.

20 “(2) CHIEF.—There shall be at the head of the
21 Office of Professional Responsibility a Chief who
22 shall report to the Director.

23 “(3) DUTIES.—The Office of Professional Re-
24 sponsibility shall—

1 “(A) seek to ensure compliance with all
2 United States Citizenship and Immigration
3 Services programs and policies relating to cor-
4 ruption, misconduct, or mismanagement;

5 “(B) investigate allegations of administra-
6 tive, civil, and criminal misconduct involving
7 any employee or contractor of United States
8 Citizenship and Immigration Services; and

9 “(C) carry out other duties and powers
10 prescribed by law or delegated by the Director.

11 “(o) OTHER AUTHORITIES.—

12 “(1) IN GENERAL.—The Secretary may estab-
13 lish such other Associate Directors, or other similar
14 positions or officials, as the Secretary determines
15 necessary to carry out the missions, duties, func-
16 tions, and authorities of United States Citizenship
17 and Immigration Services.

18 “(2) NOTIFICATION.—If the Secretary exercises
19 the authority provided pursuant to paragraph (1),
20 the Secretary shall notify the Committee on the Ju-
21 diary and the Committee on Homeland Security of
22 the House of Representatives and the Committee on
23 the Judiciary and the Committee on Homeland Se-
24 curity and Governmental Affairs of the Senate not

1 later than 30 days prior to the exercise of such au-
2 thority.”.

3 (b) SPECIAL RULES.—

4 (1) TREATMENT.—Section 451 of the Home-
5 land Security Act of 2002 (6 U.S.C. 271), as
6 amended by subsection (a) of this section, shall be
7 treated as if included in such Act as of the date of
8 the enactment of such Act. In addition to the func-
9 tions, missions, duties, and authorities specified in
10 such amended section 451, United States Citizen-
11 ship and Immigration Services shall continue to per-
12 form and carry out the functions, missions, duties,
13 and authorities under section 451 of such Act as in
14 existence on the day before such date of enactment
15 (notwithstanding the treatment described in this
16 paragraph).

17 (2) RULES OF CONSTRUCTION.—

18 (A) RULES AND REGULATIONS.—Notwith-
19 standing the treatment described in paragraph
20 (1), nothing in this division may be construed
21 as affecting in any manner any rule or regula-
22 tion issued or promulgated pursuant to any
23 provision of law, including section 451 of the
24 Homeland Security Act of 2002 (6 U.S.C. 271),
25 as in existence on the day before the date of the

1 enactment of this division, and any such rule or
2 regulation shall continue to have full force and
3 effect on and after such date.

4 (B) OTHER ACTIONS.—Notwithstanding
5 the treatment described in paragraph (1), noth-
6 ing in this division may be construed as affect-
7 ing in any manner any action, determination,
8 policy, or decision pursuant to section 451 of
9 the Homeland Security Act of 2002 (6 U.S.C.
10 271) as in existence on the day before the date
11 of the enactment of this division, and any such
12 action, determination, policy, or decision shall
13 continue to have full force and effect on and
14 after such date.

15 (c) CONTINUATION IN OFFICE.—

16 (1) DIRECTOR.—The individual serving as Di-
17 rector of United States Citizenship and Immigration
18 Services on the day before the date of the enactment
19 of this division may, notwithstanding the treatment
20 provision under paragraph (1) of subsection (b),
21 continue to serve as the Director of United States
22 Citizenship and Immigration Services on and after
23 such date of enactment in accordance with section
24 451 of the Homeland Security Act of 2002 (6

1 U.S.C. 271), as amended by subsection (a) of this
2 section, until the earlier of—

3 (A) the date on which such individual is no
4 longer eligible to serve as Director; or

5 (B) the date on which a person nominated
6 by the President to be the Director is confirmed
7 by the Senate in accordance with such amended
8 section 451.

9 (2) OTHER POSITIONS.—The individuals serv-
10 ing as Chiefs, Associate Directors and other officers
11 and officials under section 451 of the Homeland Se-
12 curity Act of 2002 (6 U.S.C. 271) on the day before
13 the date of the enactment of this division may, not-
14 withstanding the treatment provision under para-
15 graph (1) of subsection (b), serve as the appropriate
16 Chiefs, Assistant Directors and other officers and of-
17 ficials under such section 451 as amended by sub-
18 section (a) of this section unless the Director of
19 United States Citizenship and Immigration Services
20 determines that another individual should hold such
21 position.

22 (d) REFERENCES.—

23 (1) TITLE 5.—Section 5314 of title 5, United
24 States Code, is amended by striking “Director of the
25 Bureau of Citizenship and Immigration Services”

1 and inserting “Director of United States Citizenship
2 and Immigration Services, Department of Homeland
3 Security”.

4 (2) OTHER REFERENCES.—On and after the
5 date of the enactment of this division, any reference
6 in any other Federal law, Executive order, rule, reg-
7 ulation, or delegation of authority to the “Director
8 of the Bureau of Citizenship and Immigration Serv-
9 ices” or the “Bureau of Citizenship and Immigration
10 Services” shall be deemed to be a reference to the
11 Director of United States Citizenship and Immigra-
12 tion Services or United States Citizenship and Immi-
13 gration Services, respectively.

14 (e) EMPLOYEE DISCIPLINE.—Section 454 of the
15 Homeland Security Act of 2002 is amended to read as
16 follows:

17 **“SEC. 454. EMPLOYEE DISCIPLINE.**

18 “Notwithstanding any other provision of law, the Sec-
19 retary may impose disciplinary action on any employee of
20 United States Citizenship and Immigration Services who
21 knowingly deceives Congress or agency leadership on any
22 matter.”.

23 (f) COMBINATION PROHIBITION.—

1 (1) ~~IN GENERAL.~~—Section 471 of the Home-
 2 land Security Act of 2002 is amended to read as fol-
 3 lows:

4 ~~“SEC. 471. COMBINATION PROHIBITION.~~

5 ~~“The authority provided by section 1502 may be used~~
 6 ~~to reorganize functions or organizational units within U.S.~~
 7 ~~Immigration and Customs Enforcement or United States~~
 8 ~~Citizenship and Immigration Services, but may not be~~
 9 ~~used to combine the two components into a single agency~~
 10 ~~or otherwise to combine, join, or consolidate functions or~~
 11 ~~organizational units of the two components with each~~
 12 ~~other.”.~~

13 (2) ~~CLERICAL AMENDMENT.~~—The table of con-
 14 tents in section 1(b) of the Homeland Security Act
 15 of 2002 is amended by amending the item relating
 16 to section 471 to read as follows:

~~“Sec. 471. Combination prohibition.”.~~

17 **~~DIVISION D—UNITED STATES~~**
 18 **~~SECRET SERVICE~~**

19 ~~SEC. 4001. SHORT TITLE.~~

20 This division may be cited as the “Secret Service Re-
 21 authorization Act of 2017”.

22 ~~SEC. 4002. PRESIDENTIAL APPOINTMENT OF DIRECTOR OF~~
 23 ~~THE SECRET SERVICE.~~

24 Section 3056 of title 18, United States Code, is
 25 amended by adding at the end:

1 “(h) The Director of the Secret Service shall be ap-
2 pointed by the President, by and with the advice and con-
3 sent of the Senate. The Director of the Secret Service is
4 the head of the Secret Service.”.

5 **SEC. 4003. RESTRICTED BUILDING OR GROUNDS.**

6 Section 1752(a) of title 18, United States Code, is
7 amended—

8 (1) in paragraph (3), by striking “or” at the
9 end;

10 (2) in paragraph (4), by inserting “or” at the
11 end; and

12 (3) by inserting after paragraph (4) the fol-
13 lowing:

14 “(5) knowingly, and with the intent to enter a
15 restricted building or grounds, causes any object to
16 enter any restricted building or grounds, when, or so
17 that, such object, in fact, impedes or disrupts the or-
18 derly conduct of government business or official
19 functions;”.

20 **SEC. 4004. THREATS AGAINST FORMER VICE PRESIDENTS.**

21 Section 879(a) of title 18, United States Code, is
22 amended—

23 (1) in paragraph (4), by striking “section
24 3056(a)(6);” and inserting “paragraph (6) or (8) of
25 section 3056(a); or”; and

1 (2) by inserting after paragraph (4) the fol-
2 lowing:

3 “~~(5)~~ a person protected by the Secret Service
4 under a Presidential memorandum;”.

5 **SEC. 4005. INCREASED TRAINING.**

6 Beginning in the first full fiscal year after the date
7 of enactment of this Act, the Director of the Secret Service
8 shall increase the annual number of hours spent training
9 by officers and agents of the Secret Service, including offi-
10 cers of the United States Secret Service Uniformed Divi-
11 sion established under section 3056A of title 18, United
12 States Code and agents operating pursuant to section
13 3056 of title 18, United States Code, including joint train-
14 ing between the two.

15 **SEC. 4006. TRAINING FACILITIES.**

16 The Director of the Secret Service is authorized to
17 construct facilities at the Rowley Training Center nec-
18 essary to improve the training of officers of the United
19 States Secret Service Uniformed Division established
20 under section 3056A of title 18, United States Code and
21 agents of the United States Secret Service, operating pur-
22 suant to section 3056 of title 18, United States Code.

1 **SEC. 4007. EVALUATION OF VULNERABILITIES AND**
2 **THREATS.**

3 (a) **IN GENERAL.**—The Director of the Secret Service
4 shall devise and adopt improved procedures for evaluating
5 vulnerabilities in the security of the White House and
6 threats to persons protected by the Secret Service, includ-
7 ing threats posed by unmanned aerial systems or explosive
8 devices.

9 (b) **REPORT.**—Not later than 1 year after the date
10 of enactment of this Act, the Director of the Secret Service
11 shall report on the implementation of subsection (a) to—

12 (1) the Committee on the Judiciary of the
13 House of Representatives;

14 (2) the Committee on the Judiciary of the Sen-
15 ate;

16 (3) the Committee on Homeland Security of the
17 House of Representatives;

18 (4) the Committee on Homeland Security and
19 Governmental Affairs of the Senate; and

20 (5) the Committee on Oversight and Govern-
21 ment Reform of the House of Representatives.

22 **SEC. 4008. EVALUATION OF USE OF TECHNOLOGY.**

23 (a) **IN GENERAL.**—The Director of the Secret Serv-
24 ice, in consultation with the Under Secretary for Science
25 and Technology of the Department of Homeland Security,

1 and other experts, shall devise and adopt improved proce-
2 dures for—

3 (1) evaluating the ways in which technology
4 may be used to improve the security of the White
5 House and the response to threats to persons pro-
6 tected by the Secret Service; and

7 (2) retaining evidence pertaining to the duties
8 referred to in paragraph (1) for an extended period
9 of time.

10 (b) REPORT.—Not later than 1 year after the date
11 of enactment of this Act, the Director of the Secret Service
12 shall report on the implementation of subsection (a) to—

13 (1) the Committee on the Judiciary of the
14 House of Representatives;

15 (2) the Committee on the Judiciary of the Sen-
16 ate;

17 (3) the Committee on Homeland Security of the
18 House of Representatives;

19 (4) the Committee on Homeland Security and
20 Governmental Affairs of the Senate; and

21 (5) the Committee on Oversight and Govern-
22 ment Reform of the House of Representatives.

1 **SEC. 4009. EVALUATION OF USE OF ADDITIONAL WEAP-**
2 **ONRY.**

3 The Director of the Secret Service shall evaluate the
4 practicability of equipping agents and officers with weap-
5 ons other than those provided to officers and agents of
6 the Secret Service as of the date of enactment of this Act,
7 including nonlethal weapons.

8 **SEC. 4010. SECURITY COSTS FOR SECONDARY RESIDENCES.**

9 (a) **IN GENERAL.**—The Presidential Protection As-
10 sistance Act of 1976 (18 U.S.C. 3056 note) is amended
11 by striking section 4 and inserting the following:

12 **“SEC. 4. NOTIFICATION REGARDING EXPENDITURES ON**
13 **NON-GOVERNMENTAL PROPERTIES.**

14 “The Secret Service shall notify the Committees on
15 Appropriations of the House and Senate of any expendi-
16 tures for permanent facilities, equipment, and services to
17 secure any non-Governmental property in addition to the
18 one non-Governmental property designated by each
19 protectee under subsection (a) or (b) of section 3.”.

20 (b) **CONFORMING AMENDMENTS.**—The Presidential
21 Protection Assistance Act of 1976 (18 U.S.C. 3056 note),
22 as amended by this Act, is further amended—

23 (1) in section 3(b), by striking “any expendi-
24 tures by the Secret Service” and all that follows
25 through “imposed under section 4” and inserting
26 “any expenditures by the Secret Service for perma-

1 nent facilities, equipment, and services to secure the
2 non-Governmental property previously designated
3 under subsection (a) are subject to the requirements
4 set forth in section 4"; and

5 (2) in section 5(e), by striking "within the limi-
6 tations imposed under section 4".

7 **SEC. 4011. ESTABLISHMENT OF ETHICS PROGRAM OFFICE.**

8 Subject to the oversight of the Office of Chief Counsel
9 of the United States Secret Service, the Director of the
10 Secret Service shall establish an Ethics Program Office,
11 consisting of a minimum of two employees, to administer
12 the provisions of the Ethics in Government Act of 1978,
13 as amended, and to provide increased training to employ-
14 ees of the United States Secret Service.

15 **SEC. 4012. SECRET SERVICE PROTECTION AT POLLING**
16 **PLACES.**

17 Section 592 of title 18, United States Code, is
18 amended by adding at the end the following:

19 "This section shall not prevent any officer or agent
20 of the United States Secret Service from providing armed
21 protective services authorized under section 3056 or pur-
22 suant to a Presidential memorandum at any place where
23 a general or special election is held."

1 **SEC. 4013. SENSE OF CONGRESS.**

2 It is the sense of Congress that an assessment made
 3 by the Secretary of Homeland Security or the Director
 4 of the Secret Service with regard to physical security of
 5 the White House and attendant grounds, and any secu-
 6 rity-related enhancements thereto should be accorded sub-
 7 stantial deference by the National Capital Planning Com-
 8 mission, the Commission of Fine Arts, and any other rel-
 9 evant entities.

10 **DIVISION E—COAST GUARD**

11 **SEC. 5001. SHORT TITLE.**

12 This Act may be cited as the “Coast Guard Author-
 13 ization Act of 2017”.

14 **TITLE I—AUTHORIZATIONS**

15 **SEC. 5101. AUTHORIZATIONS OF APPROPRIATIONS.**

16 Section 2702 of title 14, United States Code, is
 17 amended:

18 (1) in the matter preceding paragraph (1), by
 19 striking “fiscal years 2016 and 2017” and inserting
 20 “fiscal years 2018 and 2019”;

21 (2) in paragraph (1), by striking subparagraphs
 22 (A) and (B) and inserting the following:

23 “(A) \$7,263,698,328 for fiscal year 2018;

24 and

25 “(B) \$7,452,554,484 for fiscal year
 26 2019.”;

1 (3) in paragraph (2), by striking subparagraphs
2 (A) and (B) and inserting the following:

3 “~~(A) \$1,945,000,000 for fiscal year 2018;~~

4 and

5 “~~(B) \$1,945,000,000 for fiscal year~~
6 ~~2019.”;~~

7 (4) in paragraph (3), by striking subparagraphs
8 (A) and (B) and inserting the following:

9 “~~(A) \$134,237,000 for fiscal year 2018;~~

10 and

11 “~~(B) \$134,237,000 for fiscal year 2019.”;~~

12 (5) in paragraph (4), by striking subparagraphs
13 (A) and (B) and inserting the following:

14 “~~(A) \$16,701,000 for fiscal year 2018; and~~

15 “~~(B) \$16,701,000 for fiscal year 2019.”;~~

16 and

17 (6) in paragraph (5), by striking subparagraphs
18 (A) and (B) and inserting the following:

19 “~~(A) \$37,263,294 for fiscal year 2018; and~~

20 “~~(B) \$38,232,140 for fiscal year 2019.”.~~

21 **SEC. 5102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
22 **AND TRAINING.**

23 Section 2704 of title 14, United States Code, is
24 amended—

1 (1) in subsection (a), by striking “for each of
2 fiscal years 2016 and 2017” and inserting “for fis-
3 cal year 2018 and an end-of-year strength for such
4 personnel of 44,500 for fiscal year 2019”; and

5 (2) in subsection (b), by striking “fiscal years
6 2016 and 2017” and inserting “fiscal years 2018
7 and 2019”.

8 **TITLE II—COAST GUARD**

9 **SEC. 5201. TRAINING; PUBLIC SAFETY PERSONNEL.**

10 (a) **IN GENERAL.**—Chapter 7 of title 14, United
11 States Code, is amended by adding at the end the fol-
12 lowing:

13 **“§ 155. Training; public safety personnel**

14 “(a) **IN GENERAL.**—The Commandant may, on a re-
15 imburseable or a non-reimbursable basis, make training
16 available to public safety personnel whenever the Com-
17 mandant determines that—

18 “(1) a member of the Coast Guard, who is
19 scheduled to participate in such training, is unable
20 or unavailable to participate in such training;

21 “(2) no other member of the Coast Guard, who
22 is assigned to the unit to which the member of the
23 Coast Guard who is unable or unavailable to partici-
24 pate in such training is assigned, is able or available
25 to participate in such training; and

1 ~~“(3) such training, if made available to such~~
2 ~~public safety personnel, would further the goal of~~
3 ~~interoperability among Federal agencies, non-Fed-~~
4 ~~eral governmental agencies, or both.~~

5 ~~“(b) DEFINITION.—For the purposes of this section,~~
6 ~~the term ‘public safety personnel’ includes any Federal,~~
7 ~~State (or political subdivision thereof), territorial, or tribal~~
8 ~~law enforcement officer, firefighter, or emergency response~~
9 ~~provider.~~

10 ~~“(c) TREATMENT OF REIMBURSEMENT.—Any reim-~~
11 ~~bursements for training that the Coast Guard receives~~
12 ~~under this section shall be credited to the appropriation~~
13 ~~used to pay the costs for such training.~~

14 ~~“(d) STATUS OF TRAINED PERSONNEL; LIMITATION~~
15 ~~ON LIABILITY.—~~

16 ~~“(1) STATUS.—Any public safety personnel to~~
17 ~~whom training is made available under this section~~
18 ~~who is not otherwise a Federal employee shall not,~~
19 ~~because of that training, be considered a Federal~~
20 ~~employee for any purpose (including the purposes of~~
21 ~~chapter 81 of title 5 (relating to compensation for~~
22 ~~injury)) and sections 2671 through 2680 of title 28~~
23 ~~(relating to tort claims).~~

24 ~~“(2) LIMITATION ON LIABILITY.—The United~~
25 ~~States shall not be liable for actions taken by such~~

1 personnel in the course of training made available
2 under this section.”.

3 (b) ~~CLERICAL AMENDMENT.~~—The analysis for chap-
4 ter 7 of such title is amended by inserting at the end the
5 following:

“155. Training; public safety personnel.”.

6 **SEC. 5202. COMMISSIONED SERVICE RETIREMENT.**

7 For Coast Guard officers who retire in fiscal year
8 2017 or 2018, the President may reduce the period of ac-
9 tive commissioned service required under section 291 of
10 title 14, United States Code, to a period of not less than
11 eight years.

12 **SEC. 5203. OFFICER PROMOTION ZONES.**

13 Section 256(a) of title 14, United States Code, is
14 amended by striking “six-tenths.” and inserting “one-
15 half.”.

16 **SEC. 5204. CROSS REFERENCE.**

17 Section 373(a) of title 14, United States Code, is
18 amended by inserting “designated under section 371”
19 after “cadet”.

20 **SEC. 5205. REPEAL.**

21 Section 482 of title 14, United States Code, and the
22 item relating to that section in the analysis for chapter
23 13 of that title, are repealed.

1 **SEC. 5206. UNMANNED AIRCRAFT SYSTEM.**

2 (a) IN GENERAL.—Chapter 3 of title 14, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 61. Unmanned aircraft system**

6 “(a) IN GENERAL.—Subject to the availability of ap-
7 propriations and to subsection (b), the Secretary of the
8 department in which the Coast Guard is operating shall
9 establish a land-based unmanned aircraft system program
10 under the control of the Commandant of the Coast Guard.

11 “(b) LIMITATIONS.—

12 “(1) IN GENERAL.—During any fiscal year for
13 which funds are appropriated for the design or con-
14 struction of the Offshore Patrol Cutter, the Com-
15 mandant—

16 “(A) may not award a contract for design
17 of an unmanned aircraft system for use by the
18 Coast Guard; and

19 “(B) may acquire an unmanned aircraft
20 system only if such a system—

21 “(i) has been part of a program of
22 record, procured by, or used by, the De-
23 partment of Defense or the Department of
24 Homeland Security, or a component there-
25 of, before the date on which the Com-
26 mandant acquires the system; and

1 “(ii) is acquired by the Commandant
2 through an agreement with such a depart-
3 ment or component, unless the unmanned
4 aircraft system can be obtained at less cost
5 through independent contract action.

6 ~~“(2) LIMITATIONS ON APPLICATION.—~~

7 ~~“(A) SMALL UNMANNED AIRCRAFT.—~~
8 ~~Paragraph (1)(B) does not apply to small un-~~
9 ~~manned aircraft.~~

10 ~~“(B) PREVIOUSLY FUNDED SYSTEMS.—~~
11 ~~Subsection (b) does not apply to the design or~~
12 ~~acquisition of an unmanned aircraft system for~~
13 ~~which funds for research, development, test,~~
14 ~~and evaluation have been received from the De-~~
15 ~~partment of Defense or the Department of~~
16 ~~Homeland Security.~~

17 ~~“(c) DEFINITIONS.—In this section each of the terms~~
18 ~~‘small unmanned aircraft’ and ‘unmanned aircraft system’~~
19 ~~has the meaning that term has in section 331 of the FAA~~
20 ~~Modernization and Reform Act of 2012 (49 U.S.C. 40101~~
21 ~~note).”.~~

22 ~~(b) CLERICAL AMENDMENT.—The analysis at the be-~~
23 ~~ginning of such chapter is amended by adding at the end~~
24 ~~the following:~~

~~“61. Unmanned aircraft system.”.~~

1 (e) CONFORMING AMENDMENT.—Subsection (e) of
2 section 564 of title 14, United States Code, is repealed.

3 **SEC. 5207. COAST GUARD HEALTH-CARE PROFESSIONALS;**
4 **LICENSURE PORTABILITY.**

5 (a) IN GENERAL.—Chapter 5 of title 14, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 **“§ 104. Coast Guard health-care professionals; licen-**
9 **sure portability**

10 “(a) Notwithstanding any law regarding the licensure
11 of health-care providers, a health-care professional de-
12 scribed in subsection (b) may practice the health profes-
13 sion or professions of the health-care professional at any
14 location in any State, the District of Columbia, or a Com-
15 monwealth, territory, or possession of the United States,
16 regardless of where such health-care professional or the
17 patient are located, if the practice is within the scope of
18 the authorized Federal duties of such health-care profes-
19 sional.

20 “(b) A health-care professional described in this sub-
21 section is an individual—

22 “(1) who is—

23 “(A) a member of the Coast Guard;

24 “(B) a civilian employee of the Coast
25 Guard;

1 ~~“(C) a member of the Public Health Serv-~~
2 ~~ice who is assigned to the Coast Guard;~~

3 ~~“(D) a personal services contractor under~~
4 ~~section 1091 of title 10; or~~

5 ~~“(E) any other health-care professional~~
6 ~~credentialed and privileged at a Federal health-~~
7 ~~care institution or location specially designated~~
8 ~~by the Secretary; and~~

9 ~~“(2) who—~~

10 ~~“(A) has a current license to practice med-~~
11 ~~icine, osteopathic medicine, dentistry, or an-~~
12 ~~other health profession; and~~

13 ~~“(B) is performing authorized duties for~~
14 ~~the Coast Guard.~~

15 ~~“(e) In this section each of the terms ‘license’ and~~
16 ~~‘health-care professional’ has the meaning that term has~~
17 ~~in section 1094(e) of title 10.”.~~

18 ~~(b) CLERICAL AMENDMENT.—The analysis for such~~
19 ~~chapter is amended by adding at the end the following:~~

~~“104. Coast Guard health-care professionals; licensure portability.”.~~

20 ~~**SEC. 5208. INCENTIVE CONTRACTS FOR COAST GUARD**~~
21 ~~**YARD AND INDUSTRIAL ESTABLISHMENTS.**~~

22 ~~Section 648 of title 14, United States Code, is~~
23 ~~amended—~~

24 ~~(1) by inserting before the text the following:~~

25 ~~“(a) IN GENERAL.—”;~~

1 (2) in subsection (a), as designated by the
2 amendment made by paragraph (1) of this section;
3 by striking the period at the end of the last sentence
4 and inserting “or in accordance with subsection
5 (b).”; and

6 (3) by adding at the end the following:

7 “(b) INCENTIVE CONTRACTS.—

8 “(1) The parties to an order for industrial work
9 to be performed by the Coast Guard Yard or a
10 Coast Guard industrial establishment designated
11 under subsection (a) may enter into an order or a
12 cost-plus-incentive-fee order in accordance with this
13 subsection.

14 “(2) If such parties enter into such an order or
15 a cost-plus-incentive-fee order, an agreed-upon
16 amount of any adjustment described in subsection
17 (a) may be distributed as an incentive to the wage-
18 grade industrial employees who complete the order.

19 “(3) Before entering into such an order or cost-
20 plus-incentive-fee order such parties must agree that
21 the wage-grade employees of the Coast Guard Yard
22 or Coast Guard industrial establishment will take ac-
23 tion to improve the delivery schedule or technical
24 performance agreed to in the order for industrial
25 work to which such parties initially agreed.

1 “(4) Notwithstanding any other provision of
2 law, if the industrial workforce of the Coast Guard
3 Yard or such Coast Guard industrial establishment
4 satisfies the performance target established in such
5 an order or cost-plus-incentive-fee order—

6 “(A) the adjustment to be made pursuant
7 to this subsection shall be reduced by such
8 agreed-upon amount and distributed to such
9 wage-grade industrial employees; and

10 “(B) the remainder of the adjustment shall
11 be credited to the appropriation for such order
12 current at that time.”.

13 **SEC. 5209. MAINTAINING CUTTERS IN CLASS.**

14 Section 573(e)(3)(A) of title 14, United States Code,
15 is amended—

16 (1) by striking “(A) IN GENERAL.—”; and

17 (2) by inserting “and shall maintain such cutter
18 in class” before the period at the end.

19 **SEC. 5210. CONGRESSIONAL AFFAIRS; DIRECTOR.**

20 (a) IN GENERAL.—Chapter 3 of title 14, United
21 States Code, as amended by section 206 of this Act, is
22 further amended by adding at the end the following:

1 **“§ 62. Congressional affairs; director**

2 “The Commandant shall appoint a Director of Con-
3 gressional Affairs from among officers of the Coast Guard
4 who are in a grade above captain.”.

5 (b) CLERICAL AMENDMENT.—The analysis for such
6 chapter is amended by adding at the end the following:

“62. Congressional Affairs; Director.”.

7 **SEC. 5211. CONTRACTING FOR MAJOR ACQUISITIONS PRO-**
8 **GRAMS.**

9 (a) IN GENERAL.—Subchapter H of chapter 15 of
10 title 14, United States Code, is amended by adding at the
11 end the following:

12 **“§ 580. Contracting for major acquisitions programs**

13 “(a) IN GENERAL.—The Commandant of the Coast
14 Guard ; or the head of an integrated program office estab-
15 lished for major acquisitions, may enter into contracts for
16 major acquisition programs.

17 “(b) AUTHORIZED METHODS.—Such contracts—

18 “(1) may be block buy contracts;

19 “(2) may be incrementally funded;

20 “(3) may include combined purchases, also
21 known as economic order quantity purchases, of—

22 “(A) materials and components; and

23 “(B) long lead time materials; and

24 “(4) may be multiyear contracts that comply
25 with section 2306b of title 10.

1 “(c) SUBJECT TO APPROPRIATIONS.—Any contract
2 entered into under subsection (a) shall provide that any
3 obligation of the United States to make a payment under
4 the contract is subject to the availability of amounts spe-
5 cifically provided in advance for that purpose in subse-
6 quent appropriations Acts.”.

7 (b) CLERICAL AMENDMENT.—The analysis at the be-
8 ginning of such chapter is amended by adding at the end
9 of the items relating to such subchapter the following:

“580. Contracting for major acquisitions programs.”.

10 (c) CONFORMING AMENDMENTS.—The following pro-
11 visions are repealed:

12 (1) Section 223 of Public Law 113–281 (14
13 U.S.C. 577 note), and the item relating to that sec-
14 tion in the table of contents in section 2 of such Act.

15 (2) Section 221(a) of Public Law 112–213 (14
16 U.S.C. 573 note).

17 (3) Section 207(a) of Public Law 114–120 (14
18 U.S.C. 87 note).

19 **SEC. 5212. NATIONAL SECURITY CUTTER.**

20 (a) STANDARD METHOD FOR TRACKING.—The Com-
21 mandant of the Coast Guard may not certify an eighth
22 National Security Cutter as Ready for Operations before
23 the date on which the Commandant provides to the Com-
24 mittee on Transportation and Infrastructure of the House

1 of Representatives and the Committee on Commerce,
2 Science, and Transportation of the Senate—

3 (1) a notification of a new standard method for
4 tracking operational employment of Coast Guard
5 major cutters that does not include time during
6 which such a cutter is away from its homeport for
7 maintenance or repair; and

8 (2) a report analyzing cost and performance for
9 different approaches to achieving varied levels of
10 operational employment using the standard method
11 required by paragraph (1) that, at a minimum—

12 (A) compares over a 30-year period the av-
13 erage annualized baseline cost and perform-
14 ances for a certified National Security Cutter
15 that operated for 185 days away from homeport
16 or an equivalent alternative measure of oper-
17 ational tempo—

18 (i) against the cost of a 15 percent in-
19 crease in days away from homeport or an
20 equivalent alternative measure of oper-
21 ational tempo for a National Security Cut-
22 ter; and

23 (ii) against the cost of the acquisition
24 and operation of an additional National
25 Security Cutter; and

1 (B) examines the optimal level of oper-
2 ational employment of National Security Cut-
3 ters to balance National Security Cutter cost
4 and mission performance.

5 (b) CONFORMING AMENDMENTS.—

6 (1) Section 221(b) of the Coast Guard and
7 Maritime Transportation Act of 2012 (14 U.S.C.
8 573 note) is repealed.

9 (2) Section 204(c)(1) of the Coast Guard Au-
10 thorization Act of 2016 (130 Stat. 35) is repealed.

11 **SEC. 5213. RADAR REFRESHER TRAINING.**

12 Not later than 60 days after the date of the enact-
13 ment of this Act, the Secretary of the department in which
14 the Coast Guard is operating shall prescribe a final rule
15 eliminating the requirement that a mariner complete an
16 approved refresher or recertification course to maintain a
17 radar observer endorsement. The rulemaking shall be ex-
18 empt from the requirements of chapters 5 and 6 of title
19 5, United States Code, and Executive Order Nos. 12866
20 and 13563.

21 **SEC. 5214. REPEAL.**

22 Section 676a(a) of title 14, United States Code, is
23 amended—

24 (1) by striking paragraph (2);

25 (2) by striking “(1) IN GENERAL.—”;

1 (3) by redesignating subparagraphs (A) and
2 (B) as paragraphs (1) and (2), respectively; and
3 (4) in paragraph (2), as so redesignated, by
4 striking “subparagraph (A)” and inserting “para-
5 graph (1)”.

6 **SEC. 5215. EXTENSION OF AUTHORITY.**

7 Section 404 of the Coast Guard Authorization Act
8 of 2010 (Public Law 111–281; 124 Stat. 2950) is amend-
9 ed—

10 (1) in subsection (a), in the text preceding
11 paragraph (1), by striking “sections 3304, 5333,
12 and 5753” and inserting “section 3304”; and

13 (2) in subsection (b), by striking “2017.” and
14 inserting “2021.”.

15 **SEC. 5216. AUTHORIZATION OF AMOUNTS FOR FAST RE-**
16 **SPONSE CUTTERS.**

17 (a) **IN GENERAL.**—Of the amounts authorized for
18 each fiscal year 2018 and 2019 under section 2702(2) of
19 title 14, United States Code, as amended by this Act,
20 \$165,000,000 is authorized for the acquisition of three
21 Fast Response Cutters in each such fiscal year.

22 (b) **TREATMENT OF ACQUIRED CUTTERS.**—Any cut-
23 ters acquired under subsection (a) shall be in addition to
24 the 58 cutters approved under the existing acquisition
25 baseline.

1 **SEC. 5217. AUTHORIZATION OF AMOUNTS FOR ICE TRIALS**
2 **OF ICEBREAKER VESSELS.**

3 (a) **IN GENERAL.**—Of the amounts authorized for fis-
4 cal year 2018 under paragraphs (1) and (5) of section
5 2702 of title 14, United States Code, as amended by this
6 Act, up to \$3,000,000 is authorized for the Commandant
7 of the Coast Guard to carry out ice trials of icebreaker
8 vessels documented under section 12111 of title 46,
9 United States Code.

10 (b) **ASSESSMENTS.**—Ice trials referred to in sub-
11 section (a) shall—

12 (1) assess the ability of an icebreaker vessel to
13 carry out the missions of the Coast Guard enumer-
14 ated in section 2 of title 14, United States Code; or

15 (2) conduct operational tests to produce infor-
16 mation that could be used in the design and acquisi-
17 tion of icebreaker vessels by the Coast Guard to
18 carry out such missions.

19 **SEC. 5218. SHORESIDE INFRASTRUCTURE.**

20 Of the amounts authorized under section 2702(2) of
21 title 14, United States Code, as amended by this Act, for
22 each of fiscal years 2018 and 2019 there is authorized
23 to be appropriated \$165,000,000 to the Secretary of the
24 department in which the Coast Guard is operating to fund
25 the acquisition, construction, rebuilding or improvement

1 of Coast Guard shoreside infrastructure and facilities nec-
2 essary to support Coast Guard operations and readiness.

3 **SEC. 5219. AIRCRAFT IMPROVEMENTS.**

4 Of the amounts authorized under section 2702(2) of
5 title 14, United States Code, as amended by this Act, for
6 each of fiscal years 2018 and 2019 there is authorized
7 to be appropriated up to \$3,500,000 to the Secretary of
8 the department in which the Coast Guard is operating to
9 fund analysis and program development for improvements
10 for Coast Guard MH-65 aircraft.

11 **SEC. 5220. ACQUISITION PLAN FOR INLAND WATERWAY**
12 **AND RIVER TENDERS AND BAY-CLASS ICE-**
13 **BREAKERS.**

14 (a) **ACQUISITION PLAN.**—Not later than 270 days
15 after the date of the enactment of this Act, the Com-
16 mandant of the Coast Guard shall submit to the Com-
17 mittee on Commerce, Science, and Transportation of the
18 Senate and the Committee on Transportation and Infra-
19 structure of the House of Representatives a plan to re-
20 place or extend the life of the Coast Guard fleet of inland
21 waterway and river tenders, and the Bay-class icebreakers.

22 (b) **CONTENTS.**—The plan under subsection (a) shall
23 include—

24 (1) an analysis of the work required to extend
25 the life of vessels described in subsection (a);

1 (2) recommendations for which, if any, such
2 vessels it is cost effective to undertake a ship-life ex-
3 tension or enhanced maintenance program;

4 (3) an analysis of the aids to navigation pro-
5 gram to determine if advances in navigation tech-
6 nology may reduce the needs for physical aids to
7 navigation;

8 (4) recommendations for changes to physical
9 aids to navigation and the distribution of such aids
10 that reduce the need for the acquisition of vessels to
11 replace the vessels described in subsection (a);

12 (5) a schedule for the acquisition of vessels to
13 replace the vessels described in subsection (a), in-
14 cluding the date on which the first vessel will be de-
15 livered;

16 (6) an estimate of the cost per vessel and of the
17 total cost of the acquisition program of record; and

18 (7) a description of the order in which vessels
19 to replace the vessels described in subsection (a) will
20 be built, and the homeports of each such vessel upon
21 its commissioning.

22 **SEC. 5221. REPORT ON SEXUAL ASSAULT VICTIM RECOV-**
23 **ERY IN THE COAST GUARD.**

24 (a) **IN GENERAL.**—Not later than 180 days after the
25 date of the enactment of this Act, the Commandant of

1 the Coast Guard shall submit to the Committee on Trans-
2 portation and Infrastructure of the House of Representa-
3 tives and the Committee on Commerce, Science, and
4 Transportation of the Senate a report on sexual assault
5 prevention and response policies of the Coast Guard and
6 strategic goals related to sexual assault victim recovery.

7 (b) CONTENTS.—The report shall—

8 (1) describe Coast Guard strategic goals relat-
9 ing to sexual assault climate, prevention, response,
10 and accountability, and actions taken by the Coast
11 Guard to promote sexual assault victim recovery;

12 (2) explain how victim recovery is being incor-
13 porated into Coast Guard strategic and pro-
14 grammatic guidance related to sexual assault pre-
15 vention and response;

16 (3) examine current Coast Guard sexual assault
17 prevention and response policy with respect to—

18 (A) Coast Guard criteria for what com-
19 prises sexual assault victim recovery;

20 (B) alignment of Coast Guard personnel
21 policies to enhance—

22 (i) an approach to sexual assault re-
23 sponse that gives priority to victim recov-
24 ery;

1 (ii) upholding individual privacy and
2 dignity; and

3 (iii) the opportunity for the continu-
4 ation of Coast Guard service by sexual as-
5 sault victims; and

6 (C) sexual harassment response, including
7 a description of the circumstances under which
8 sexual harassment is considered a criminal of-
9 fense; and

10 (4) to ensure victims and supervisors under-
11 stand the full scope of resources available to aid in
12 long-term recovery; explain how the Coast Guard in-
13 forms its workforce about changes to sexual assault
14 prevention and response policies related to victim re-
15 covery.

16 **TITLE III—PORTS AND**
17 **WATERWAYS SAFETY**

18 **SEC. 5301. CODIFICATION OF PORTS AND WATERWAYS**
19 **SAFETY ACT.**

20 (a) CODIFICATION.—Subtitle VII of title 46, United
21 States Code, is amended by inserting before chapter 701
22 the following:

23 **“CHAPTER 700—PORTS AND WATERWAYS**
24 **SAFETY**

“SUBCHAPTER A—VESSEL OPERATIONS

“Sec.

- “70001. Vessel traffic services.
- “70002. Special powers.
- “70003. Port access routes.
- “70004. Considerations by Secretary.
- “70005. International agreements.

“SUBCHAPTER B—PORTS AND WATERWAYS SAFETY

- “70011. Waterfront safety.
- “70012. Navigational hazards.
- “70013. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States.

“SUBCHAPTER C—CONDITION FOR ENTRY INTO PORTS IN THE UNITED STATES

- “70021. Conditions for entry to ports in the United States.

“SUBCHAPTER D—DEFINITIONS, REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY

- “70031. Definitions.
- “70032. Saint Lawrence Seaway.
- “70033. Limitation on application to foreign vessels.
- “70034. Regulations.
- “70035. Investigatory powers.
- “70036. Enforcement.

1 “SUBCHAPTER A—VESSEL OPERATIONS

2 **“§ 70001. Vessel traffic services**

3 “(a) Subject to the requirements of section 70004,
4 the Secretary—

5 “(1) in any port or place under the jurisdiction
6 of the United States, in the navigable waters of the
7 United States, or in any area covered by an inter-
8 national agreement negotiated pursuant to section
9 70005, may construct, operate, maintain, improve,
10 or expand vessel traffic services, that consist of
11 measures for controlling or supervising vessel traffic
12 or for protecting navigation and the marine environ-
13 ment and that may include one or more of reporting

1 and operating requirements, surveillance and com-
2 munications systems, routing systems, and fairways;

3 ~~“(2)~~ shall require appropriate vessels that oper-
4 ate in an area of a vessel traffic service to utilize or
5 comply with that service;

6 ~~“(3)(A)~~ may require vessels to install and use
7 specified navigation equipment, communications
8 equipment, electronic relative motion analyzer equip-
9 ment, or any electronic or other device necessary to
10 comply with a vessel traffic service or that is nec-
11 essary in the interests of vessel safety.

12 ~~“(B)~~ Notwithstanding subparagraph (A), the
13 Secretary shall not require fishing vessels under 300
14 gross tons as measured under section 14502, or an
15 alternate tonnage measured under section 14302 as
16 prescribed by the Secretary under section 14104, or
17 recreational vessels 65 feet or less to possess or use
18 the equipment or devices required by this subsection
19 solely under the authority of this chapter;

20 ~~“(4)~~ may control vessel traffic in areas subject
21 to the jurisdiction of the United States that the Sec-
22 retary determines to be hazardous, or under condi-
23 tions of reduced visibility, adverse weather, vessel
24 congestion, or other hazardous circumstances, by—

1 “(A) specifying times of entry, movement,
2 or departure;

3 “(B) establishing vessel traffic routing
4 schemes;

5 “(C) establishing vessel size, speed, or
6 draft limitations and vessel operating condi-
7 tions; and

8 “(D) restricting operation, in any haz-
9 arduous area or under hazardous conditions, to
10 vessels that have particular operating character-
11 istics or capabilities that the Secretary con-
12 siders necessary for safe operation under the
13 circumstances;

14 “(5) may require the receipt of prearrival mes-
15 sages from any vessel, destined for a port or place
16 subject to the jurisdiction of the United States, in
17 sufficient time to permit advance vessel traffic plan-
18 ning before port entry, which shall include any infor-
19 mation that is not already a matter of record and
20 that the Secretary determines necessary for the con-
21 trol of the vessel and the safety of the port or the
22 marine environment; and

23 “(6) may prohibit the use on vessels of elec-
24 tronic or other devices that interfere with commu-
25 nication and navigation equipment, except that such

1 authority shall not apply to electronic or other de-
2 vices certified to transmit in the maritime services
3 by the Federal Communications Commission and
4 used within the frequency bands ~~157.1875–157.4375~~
5 MHz and ~~161.7875–162.0375~~ MHz.

6 “(b) COOPERATIVE AGREEMENTS.—

7 “(1) IN GENERAL.—The Secretary may enter
8 into cooperative agreements with public or private
9 agencies, authorities, associations, institutions, cor-
10 porations, organizations, or other persons to carry
11 out the functions under subsection (a)(1).

12 “(2) LIMITATION.—

13 “(A) A nongovernmental entity may not
14 under this subsection carry out an inherently
15 governmental function.

16 “(B) As used in this paragraph, the term
17 ‘inherently governmental function’ means any
18 activity that is so intimately related to the pub-
19 lic interest as to mandate performance by an
20 officer or employee of the Federal Government,
21 including an activity that requires either the ex-
22 ercise of discretion in applying the authority of
23 the Government or the use of judgment in mak-
24 ing a decision for the Government.

1 “(c) LIMITATION OF LIABILITY FOR COAST GUARD
2 VESSEL TRAFFIC SERVICE PILOTS AND NON-FEDERAL
3 VESSEL TRAFFIC SERVICE OPERATORS.—

4 “(1) COAST GUARD VESSEL TRAFFIC SERVICE
5 PILOTS.—Any pilot, acting in the course and scope
6 of his or her duties while at a Coast Guard Vessel
7 Traffic Service, who provides information, advice, or
8 communication assistance while under the super-
9 vision of a Coast Guard officer, member, or em-
10 ployee shall not be liable for damages caused by or
11 related to such assistance unless the acts or omis-
12 sions of such pilot constitute gross negligence or
13 willful misconduct.

14 “(2) NON-FEDERAL VESSEL TRAFFIC SERVICE
15 OPERATORS.—An entity operating a non-Federal
16 vessel traffic information service or advisory service
17 pursuant to a duly executed written agreement with
18 the Coast Guard, and any pilot acting on behalf of
19 such entity, is not liable for damages caused by or
20 related to information, advice, or communication as-
21 sistance provided by such entity or pilot while so op-
22 erating or acting unless the acts or omissions of
23 such entity or pilot constitute gross negligence or
24 willful misconduct.

1 **“§ 70002. Special powers**

2 “The Secretary may order any vessel, in a port or
3 place subject to the jurisdiction of the United States or
4 in the navigable waters of the United States, to operate
5 or anchor in a manner the Secretary directs if—

6 “(1) the Secretary has reasonable cause to be-
7 lieve such vessel does not comply with any regulation
8 issued under section 70034 or any other applicable
9 law or treaty;

10 “(2) the Secretary determines such vessel does
11 not satisfy the conditions for port entry set forth in
12 section 70021 of this title; or

13 “(3) by reason of weather, visibility, sea condi-
14 tions, port congestion, other hazardous cir-
15 cumstances, or the condition of such vessel, the Sec-
16 retary is satisfied such direction is justified in the
17 interest of safety.

18 **“§ 70003. Port access routes**

19 “(a) AUTHORITY TO DESIGNATE.—Except as pro-
20 vided in subsection (b) and subject to the requirements
21 of subsection (c), in order to provide safe access routes
22 for the movement of vessel traffic proceeding to or from
23 ports or places subject to the jurisdiction of the United
24 States, the Secretary shall designate necessary fairways
25 and traffic separation schemes for vessels operating in the
26 territorial sea of the United States and in high seas ap-

1 proaches, outside the territorial sea, to such ports or
2 places. Such a designation shall recognize, within the des-
3 ignated area, the paramount right of navigation over all
4 other uses.

5 “(b) LIMITATION.—

6 “(1) IN GENERAL.—No designation may be
7 made by the Secretary under this section if—

8 “(A) the Secretary determines such a des-
9 ignation, as implemented, would deprive any
10 person of the effective exercise of a right grant-
11 ed by a lease or permit executed or issued
12 under other applicable provisions of law; and

13 “(B) such right has become vested before
14 the time of publication of the notice required by
15 paragraph (1) of subsection (c).

16 “(2) CONSULTATION REQUIRED.—The Sec-
17 retary shall make the determination under para-
18 graph (1)(A) after consultation with the head of the
19 agency responsible for executing the lease or issuing
20 the permit.

21 “(c) CONSIDERATION OF OTHER USES.—Before
22 making a designation under subsection (a), and in accord-
23 ance with the requirements of section 70004, the Sec-
24 retary shall—

1 “(1) undertake a study of the potential traffic
2 density and the need for safe access routes for ves-
3 sels in any area for which fairways or traffic separa-
4 tion schemes are proposed or that may otherwise be
5 considered and publish notice of such undertaking in
6 the Federal Register;

7 “(2) in consultation with the Secretary of State,
8 the Secretary of the Interior, the Secretary of Com-
9 merce, the Secretary of the Army, and the Gov-
10 ernors of affected States, as their responsibilities
11 may require, take into account all other uses of the
12 area under consideration, including, as appropriate,
13 the exploration for, or exploitation of, oil, gas, or
14 other mineral resources, the construction or oper-
15 ation of deepwater ports or other structures on or
16 above the seabed or subsoil of the submerged lands
17 or the Outer Continental Shelf of the United States,
18 the establishment or operation of marine or estua-
19 rine sanctuaries, and activities involving recreational
20 or commercial fishing; and

21 “(3) to the extent practicable, reconcile the
22 need for safe access routes with the needs of all
23 other reasonable uses of the area involved.

24 “(d) STUDY.—In carrying out the Secretary’s respon-
25 sibilities under subsection (c), the Secretary shall—

1 “(1) proceed expeditiously to complete any
2 study undertaken; and

3 “(2) after completion of such a study, promptly—
4 ly—

5 “(A) issue a notice of proposed rulemaking
6 for the designation contemplated; or

7 “(B) publish in the Federal Register a notice
8 that no designation is contemplated as a result
9 of the study and the reason for such determination.
10

11 “(e) IMPLEMENTATION OF DESIGNATION.—In connection
12 with a designation made under this section, the
13 Secretary—

14 “(1) shall issue reasonable rules and regulations
15 governing the use of such designated areas, including
16 rules and regulations regarding the applicability
17 of rules 9 and 10 of the International Regulations
18 for Preventing Collisions at Sea, 1972, relating to
19 narrow channels and traffic separation schemes, respectively,
20 in waters where such regulations apply;

21 “(2) to the extent that the Secretary finds reasonable
22 and necessary to effectuate the purposes of
23 the designation, make the use of designated fairways
24 and traffic separation schemes mandatory for specific
25 types and sizes of vessels, foreign and domestic,

1 operating in the territorial sea of the United States
2 and for specific types and sizes of vessels of the
3 United States operating on the high seas beyond the
4 territorial sea of the United States;

5 “(3) may, from time to time, as necessary, ad-
6 just the location or limits of designated fairways or
7 traffic separation schemes in order to accommodate
8 the needs of other uses that cannot be reasonably
9 accommodated otherwise, except that such an ad-
10 justment may not, in the judgment of the Secretary,
11 unacceptably adversely affect the purpose for which
12 the existing designation was made and the need for
13 which continues; and

14 “(4) shall, through appropriate channels—

15 “(A) notify cognizant international organi-
16 zations of any designation, or adjustment there-
17 of; and

18 “(B) take action to seek the cooperation of
19 foreign States in making it mandatory for ves-
20 sels under their control to use, to the same ex-
21 tent as required by the Secretary for vessels of
22 the United States, any fairway or traffic sepa-
23 ration scheme designated under this section in
24 any area of the high seas.

1 **“§ 70004. Considerations by Secretary**

2 “In carrying out the duties of the Secretary under
3 sections 70001, 70002, and 70003, the Secretary shall—

4 “(1) take into account all relevant factors con-
5 cerning navigation and vessel safety, protection of
6 the marine environment, and the safety and security
7 of United States ports and waterways, including—

8 “(A) the scope and degree of the risk or
9 hazard involved;

10 “(B) vessel traffic characteristics and
11 trends, including traffic volume, the sizes and
12 types of vessels involved, potential interference
13 with the flow of commercial traffic, the presence
14 of any unusual cargoes, and other similar fac-
15 tors;

16 “(C) port and waterway configurations and
17 variations in local conditions of geography, eli-
18 mate, and other similar factors;

19 “(D) the need for granting exemptions for
20 the installation and use of equipment or devices
21 for use with vessel traffic services for certain
22 classes of small vessels, such as self-propelled
23 fishing vessels and recreational vessels;

24 “(E) the proximity of fishing grounds, oil
25 and gas drilling and production operations, or

1 any other potential or actual conflicting activ-
2 ity;

3 “(F) environmental factors;

4 “(G) economic impact and effects;

5 “(H) existing vessel traffic services; and

6 “(I) local practices and customs, including
7 voluntary arrangements and agreements within
8 the maritime community; and

9 “(2) at the earliest possible time, consult with
10 and receive and consider the views of representatives
11 of the maritime community, ports and harbor au-
12 thorities or associations, environmental groups, and
13 other persons who may be affected by the proposed
14 actions.

15 **“§ 70005. International agreements**

16 “(a) TRANSMITTAL OF REGULATIONS.—The Sec-
17 retary shall transmit, via the Secretary of State, to appro-
18 priate international bodies or forums, any regulations
19 issued under this subchapter, for consideration as inter-
20 national standards.

21 “(b) AGREEMENTS.—The President is authorized
22 and encouraged to—

23 “(1) enter into negotiations and conclude and
24 execute agreements with neighboring nations, to es-
25 tablish compatible vessel standards and vessel traffic

1 services, and to establish, operate, and maintain
2 international vessel traffic services, in areas and
3 under circumstances of mutual concern; and

4 “(2) enter into negotiations, through appro-
5 priate international bodies, and conclude and execute
6 agreements to establish vessel traffic services in ap-
7 propriate areas of the high seas.

8 “(c) OPERATIONS.—The Secretary, pursuant to any
9 agreement negotiated under subsection (b) that is binding
10 upon the United States in accordance with constitutional
11 requirements, may—

12 “(1) require vessels operating in an area of a
13 vessel traffic service to utilize or to comply with the
14 vessel traffic service, including the carrying or in-
15 stallation of equipment and devices as necessary for
16 the use of the service; and

17 “(2) waive, by order or regulation, the applica-
18 tion of any United States law or regulation con-
19 cerning the design, construction, operation, equip-
20 ment, personnel qualifications, and manning stand-
21 ards for vessels operating in waters over which the
22 United States exercises jurisdiction if such vessel is
23 not en route to or from a United States port or
24 place, and if vessels en route to or from a United
25 States port or place are accorded equivalent waivers

1 of laws and regulations of the neighboring nation;
2 when operating in waters over which that nation ex-
3 ercises jurisdiction.

4 “(d) SHIP REPORTING SYSTEMS.—The Secretary, in
5 cooperation with the International Maritime Organization,
6 may implement and enforce two mandatory ship reporting
7 systems, consistent with international law, with respect to
8 vessels subject to such reporting systems entering the fol-
9 lowing areas of the Atlantic Ocean:

10 “(1) Cape Cod Bay, Massachusetts Bay, and
11 Great South Channel (in the area generally bounded
12 by a line starting from a point on Cape Ann, Massa-
13 chusetts at 42 deg. 39′ N., 70 deg. 37′ W; then
14 northeast to 42 deg. 45′ N., 70 deg. 13′ W; then
15 southeast to 42 deg. 10′ N., 68 deg. 31′ W; then
16 south to 41 deg. 00′ N., 68 deg. 31′ W; then west
17 to 41 deg. 00′ N., 69 deg. 17′ W; then northeast to
18 42 deg. 05′ N., 70 deg. 02′ W; then west to 42 deg.
19 04′ N., 70 deg. 10′ W; and then along the Massa-
20 chusetts shoreline of Cape Cod Bay and Massachu-
21 setts Bay back to the point on Cape Ann at 42 deg.
22 39′ N., 70 deg. 37′ W).

23 “(2) In the coastal waters of the Southeastern
24 United States within about 25 nm along a 90 nm
25 stretch of the Atlantic seaboard (in an area gen-

1 erally extending from the shoreline east to longitude
2 80 deg. 51.6' W with the southern and northern
3 boundary at latitudes 30 deg. 00' N., 31 deg. 27'
4 N., respectively).

5 “SUBCHAPTER B—PORTS AND WATERWAYS
6 SAFETY

7 “§ 70011. **Waterfront safety**

8 “(a) IN GENERAL.—The Secretary may take such ac-
9 tion as is necessary to—

10 “(1) prevent damage to, or the destruction of,
11 any bridge or other structure on or in the navigable
12 waters of the United States, or any land structure
13 or shore area immediately adjacent to such waters;
14 and

15 “(2) protect the navigable waters and the re-
16 sources therein from harm resulting from vessel or
17 structure damage, destruction, or loss.

18 “(b) ACTIONS AUTHORIZED.—Actions authorized by
19 subsection (a) include—

20 “(1) establishing procedures, measures, and
21 standards for the handling, loading, unloading, stor-
22 age, stowage, and movement on a structure (includ-
23 ing the emergency removal, control, and disposition)
24 of explosives or other dangerous articles and sub-

1 stances, including oil or hazardous material as those
2 terms are defined in section 2101;

3 “(2) prescribing minimum safety equipment re-
4 quirements for a structure to assure adequate pro-
5 tection from fire, explosion, natural disaster, and
6 other serious accidents or casualties;

7 “(3) establishing water or waterfront safety
8 zones, or other measures, for limited, controlled, or
9 conditional access and activity when necessary for
10 the protection of any vessel, structure, waters, or
11 shore area; and

12 “(4) establishing procedures for examination to
13 assure compliance with the requirements prescribed
14 under this section.

15 “(e) STATE LAW.—Nothing in this section, with re-
16 spect to structures, prohibits a State or political subdivi-
17 sion thereof from prescribing higher safety equipment re-
18 quirements or safety standards than those that may be
19 prescribed by regulations under this section.

20 **“§ 70012. Navigational hazards**

21 “(a) REPORTING PROCEDURE.—The Secretary shall
22 establish a program to encourage fishermen and other ves-
23 sel operators to report potential or existing navigational
24 hazards involving pipelines to the Secretary through Coast
25 Guard field offices.

1 “(b) SECRETARY’S RESPONSE.—

2 “(1) NOTIFICATION BY THE OPERATOR OF A
3 PIPELINE.—Upon notification by the operator of a
4 pipeline of a hazard to navigation with respect to
5 that pipeline, the Secretary shall immediately notify
6 Coast Guard headquarters, the Pipeline and Haz-
7 arduous Materials Safety Administration, other af-
8 fected Federal and State agencies, and vessel owners
9 and operators in the pipeline’s vicinity.

10 “(2) NOTIFICATION BY OTHER PERSONS.—

11 Upon notification by any other person of a hazard
12 or potential hazard to navigation with respect to a
13 pipeline, the Secretary shall promptly determine
14 whether a hazard exists, and if so shall immediately
15 notify Coast Guard headquarters, the Pipeline and
16 Hazardous Materials Safety Administration, other
17 affected Federal and State agencies, vessel owners
18 and operators in the pipeline’s vicinity, and the
19 owner and operator of the pipeline.

20 “(c) PIPELINE DEFINED.—For purposes of this sec-

21 tion, the term ‘pipeline’ has the meaning given the term
22 ‘pipeline facility’ in section 60101(a)(18) of title 49.

1 **“§ 70013. Requirement to notify Coast Guard of re-**
2 **lease of objects into the navigable waters**
3 **of the United States**

4 “(a) REQUIREMENT.—As soon as a person has
5 knowledge of any release from a vessel or facility into the
6 navigable waters of the United States of any object that
7 creates an obstruction prohibited under section 10 of the
8 Act of March 3, 1899, popularly known as the Rivers and
9 Harbors Appropriations Act of 1899 (33 U.S.C. 403),
10 such person shall notify the Secretary and the Secretary
11 of the Army of such release.

12 “(b) RESTRICTION ON USE OF NOTIFICATION.—Any
13 notification provided by an individual in accordance with
14 subsection (a) may not be used against such individual
15 in any criminal case, except a prosecution for perjury or
16 for giving a false statement.

17 **“SUBCHAPTER C—CONDITION FOR ENTRY INTO**
18 **PORTS IN THE UNITED STATES**

19 **“§ 70021. Conditions for entry to ports in the United**
20 **States**

21 “(a) IN GENERAL.—No vessel that is subject to chap-
22 ter 37 shall operate in the navigable waters of the United
23 States or transfer cargo or residue in any port or place
24 under the jurisdiction of the United States, if such ves-
25 sel—

1 “(1) has a history of accidents, pollution inci-
2 dents, or serious repair problems that, as determined
3 by the Secretary, creates reason to believe that such
4 vessel may be unsafe or may create a threat to the
5 marine environment;

6 “(2) fails to comply with any applicable regula-
7 tion issued under section 70034, chapter 37, or any
8 other applicable law or treaty;

9 “(3) discharges oil or hazardous material in vio-
10 lation of any law of the United States or in a man-
11 ner or quantities inconsistent with any treaty to
12 which the United States is a party;

13 “(4) does not comply with any applicable vessel
14 traffic service requirements;

15 “(5) is manned by one or more officers who are
16 licensed by a certifying State that the Secretary
17 has determined, pursuant to section 9101 of title 46,
18 does not have standards for licensing and certifi-
19 cation of seafarers that are comparable to or more
20 stringent than United States standards or inter-
21 national standards that are accepted by the United
22 States;

23 “(6) is not manned in compliance with manning
24 levels as determined by the Secretary to be necessary
25 to insure the safe navigation of the vessel; or

1 “(7) while underway, does not have at least one
2 licensed deck officer on the navigation bridge who is
3 capable of clearly understanding English.

4 “(b) EXCEPTIONS.—

5 “(1) IN GENERAL.—The Secretary may allow
6 provisional entry of a vessel that is not in compli-
7 ance with subsection (a), if the owner or operator of
8 such vessel proves, to the satisfaction of the Sec-
9 retary, that such vessel is not unsafe or a threat to
10 the marine environment, and if such entry is nec-
11 essary for the safety of the vessel or persons aboard.

12 “(2) PROVISIONS NOT APPLICABLE.—Para-
13 graphs (1), (2), (3), and (4) of subsection (a) of this
14 section shall not apply to a vessel allowed provisional
15 entry under paragraph (1) if the owner or operator
16 of such vessel proves, to the satisfaction of the Sec-
17 retary, that such vessel is no longer unsafe or a
18 threat to the marine environment, and is no longer
19 in violation of any applicable law, treaty, regulation
20 or condition, as appropriate.

1 “SUBCHAPTER D—DEFINITIONS, REGULA-
2 TIONS, ENFORCEMENT, INVESTIGATORY
3 POWERS, APPLICABILITY

4 “§ 70031. Definitions

5 “As used in subchapters A through C and this sub-
6 chapter, unless the context otherwise requires:

7 “(1) The term ‘marine environment’ means—

8 “(A) the navigable waters of the United
9 States and the land and resources therein and
10 thereunder;

11 “(B) the waters and fishery resources of
12 any area over which the United States asserts
13 exclusive fishery management authority;

14 “(C) the seabed and subsoil of the Outer
15 Continental Shelf of the United States, the re-
16 sources thereof, and the waters superjacent
17 thereto; and

18 “(D) the recreational, economic, and scenic
19 values of such waters and resources.

20 “(2) The term ‘Secretary’ means the Secretary
21 of the department in which the Coast Guard is oper-
22 ating; except that such term means the Secretary of
23 Transportation with respect to the application of
24 this chapter to the Saint Lawrence Seaway.

1 “(3) The term ‘navigable waters of the United
2 States’ includes all waters of the territorial sea of
3 the United States as described in Presidential Pro-
4 clamation No. 5928 of December 27, 1988.

5 **“§ 70032. Saint Lawrence Seaway**

6 “The authority granted to the Secretary under sec-
7 tions 70001, 70002, 70003, 7004, and 70011 may not be
8 delegated with respect to the Saint Lawrence Seaway to
9 any agency other than the Saint Lawrence Seaway Devel-
10 opment Corporation. Any other authority granted the Sec-
11 retary under subchapters A through C and this subchapter
12 shall be delegated by the Secretary to the Saint Lawrence
13 Seaway Development Corporation to the extent the Sec-
14 retary determines such delegation is necessary for the
15 proper operation of the Saint Lawrence Seaway.

16 **“§ 70033. Limitation on application to foreign vessels**

17 “Except pursuant to international treaty, convention,
18 or agreement, to which the United States is a party, sub-
19 chapters A through C and this subchapter shall not apply
20 to any foreign vessel that is not destined for, or departing
21 from, a port or place subject to the jurisdiction of the
22 United States and that is in—

23 “(1) innocent passage through the territorial
24 sea of the United States; or

1 “(2) transit through the navigable waters of the
2 United States that form a part of an international
3 strait.

4 **“§ 70034. Regulations**

5 “(a) IN GENERAL.—In accordance with section 553
6 of title 5, the Secretary shall issue, and may from time
7 to time amend or repeal, regulations necessary to imple-
8 ment subchapters A through C and this subchapter.

9 “(b) CONSULTATION.—In the exercise of the regu-
10 latory authority under subchapters A through C and this
11 subchapter, the Secretary shall consult with, and receive
12 and consider the views of all interested persons, includ-
13 ing—

14 “(1) interested Federal departments and agen-
15 cies;

16 “(2) officials of State and local governments;

17 “(3) representatives of the maritime commu-
18 nity;

19 “(4) representatives of port and harbor authori-
20 ties or associations;

21 “(5) representatives of environmental groups;

22 “(6) any other interested persons who are
23 knowledgeable or experienced in dealing with prob-
24 lems involving vessel safety, port and waterways

1 safety, and protection of the marine environment;
2 and

3 “(7) advisory committees consisting of all inter-
4 ested segments of the public when the establishment
5 of such committees is considered necessary because
6 the issues involved are highly complex or controver-
7 sial.

8 **“§ 70035. Investigatory powers**

9 “(a) SECRETARY.—The Secretary may investigate
10 any incident, accident, or act involving the loss or destruc-
11 tion of, or damage to, any structure subject to subchapters
12 A through C and this subchapter, or that affects or may
13 affect the safety or environmental quality of the ports,
14 harbors, or navigable waters of the United States.

15 “(b) POWERS.—In an investigation under this sec-
16 tion, the Secretary may issue subpoenas to require the at-
17 tendance of witnesses and the production of documents or
18 other evidence relating to such incident, accident, or act.
19 If any person refuses to obey a subpoena, the Secretary
20 may request the Attorney General to invoke the aid of the
21 appropriate district court of the United States to compel
22 compliance with the subpoena. Any district court of the
23 United States may, in the case of refusal to obey a sub-
24 poena, issue an order requiring compliance with the sub-
25 poena, and failure to obey the order may be punished by

1 the court as contempt. Witnesses may be paid fees for
2 travel and attendance at rates not exceeding those allowed
3 in a district court of the United States.

4 **“§ 70036. Enforcement**

5 “(a) CIVIL PENALTY.—

6 “(1) IN GENERAL.—Any person who is found
7 by the Secretary, after notice and an opportunity for
8 a hearing, to have violated subchapters A through C
9 or this subchapter or a regulation issued under sub-
10 chapters A through C or this subchapter shall be lia-
11 ble to the United States for a civil penalty, not to
12 exceed \$25,000 for each violation. Each day of a
13 continuing violation shall constitute a separate viola-
14 tion. The amount of such civil penalty shall be as-
15 sessed by the Secretary, or the Secretary’s designee,
16 by written notice. In determining the amount of
17 such penalty, the Secretary shall take into account
18 the nature, circumstances, extent, and gravity of the
19 prohibited acts committed and, with respect to the
20 violator, the degree of culpability, any history of
21 prior offenses, ability to pay, and such other matters
22 as justice may require.

23 “(2) COMPROMISE, MODIFICATION, OR REMIS-
24 SION.—The Secretary may compromise, modify, or
25 remit, with or without conditions, any civil penalty

1 that is subject to imposition or that has been im-
2 posed under this section:

3 “(3) FAILURE TO PAY PENALTY.—If any per-
4 son fails to pay an assessment of a civil penalty
5 after it has become final, the Secretary may refer
6 the matter to the Attorney General of the United
7 States, for collection in any appropriate district
8 court of the United States.

9 “(b) CRIMINAL PENALTY.—

10 “(1) CLASS D FELONY.—Any person who will-
11 fully and knowingly violates subchapters A through
12 C of this subchapter or any regulation issued there-
13 under commits a class D felony.

14 “(2) CLASS E FELONY.—Any person who, in
15 the willful and knowing violation of subchapters A
16 through C of this subchapter or of any regulation
17 issued thereunder, uses a dangerous weapon, or en-
18 gages in conduct that causes bodily injury or fear of
19 imminent bodily injury to any officer authorized to
20 enforce the provisions of such a subchapter or the
21 regulations issued under such subchapter, commits a
22 class E felony.

23 “(c) IN REM LIABILITY.—Any vessel that is used in
24 violation of subchapters A, B, or C of this subchapter,
25 or any regulations issued under such subchapter, shall be

1 liable in rem for any civil penalty assessed pursuant to
2 subsection (a) and may be proceeded against in the United
3 States district court for any district in which such vessel
4 may be found.

5 “(d) INJUNCTION.—The United States district courts
6 shall have jurisdiction to restrain violations of subchapter
7 A, B, or C or this subchapter or of regulations issued
8 under such subchapter, for cause shown.

9 “(e) DENIAL OF ENTRY.—Except as provided in sec-
10 tion 70021, the Secretary may, subject to recognized prin-
11 ciples of international law, deny entry by any vessel that
12 is not in compliance with subchapter A, B, or C or this
13 subchapter or the regulations issued under such sub-
14 chapter—

15 “(1) into the navigable waters of the United
16 States; or

17 “(2) to any port or place under the jurisdiction
18 of the United States.

19 “(f) WITHHOLDING OF CLEARANCE.—

20 “(1) IN GENERAL.—If any owner, operator, or
21 individual in charge of a vessel is liable for a penalty
22 or fine under this section, or if reasonable cause ex-
23 ists to believe that the owner, operator, or individual
24 in charge may be subject to a penalty or fine under
25 this section, the Secretary of the Treasury, upon the

1 request of the Secretary, shall with respect to such
 2 vessel refuse or revoke any clearance required by
 3 section 60105 of title 46.

4 “(2) GRANTING CLEARANCE REFUSED OR RE-
 5 VOKED.—Clearance refused or revoked under this
 6 subsection may be granted upon filing of a bond or
 7 other surety satisfactory to the Secretary.”

8 (b) CLERICAL AMENDMENT.—The analysis at the be-
 9 ginning of such subtitle is amended by inserting before
 10 the item relating to chapter 701 the following:

“700. Ports and Waterways Safety70001.”

11 **SEC. 5302. CONFORMING AMENDMENTS.**

12 (a) ELECTRONIC CHARTS.—

13 (1) TRANSFER OF PROVISION.—Section 4A of
 14 the Ports and Waterways Safety Act (33 U.S.C.
 15 1223a)—

16 (A) is redesignated as section 3105 of title
 17 46, United States Code, and transferred to ap-
 18 pear after section 3104 of that title; and

19 (B) is amended by striking subsection (b)
 20 and inserting the following:

21 “(b) LIMITATION ON APPLICATION.—Except pursu-
 22 ant to an international treaty, convention, or agreement,
 23 to which the United States is a party, this section shall
 24 not apply to any foreign vessel that is not destined for,

1 or departing from; a port or place subject to the jurisdic-
2 tion of the United States and that is in—

3 “(1) innocent passage through the territorial
4 sea of the United States; or

5 “(2) transit through the navigable waters of the
6 United States that form a part of an international
7 strait.”.

8 (2) CLERICAL AMENDMENT.—The analysis at
9 the beginning of chapter 31 of such title is amended
10 by adding at the end the following:

“3105. Electronic charts.”.

11 (b) PORT, HARBOR, AND COASTAL FACILITY SECUR-
12 RITY.—

13 (1) TRANSFER OF PROVISIONS.—So much of
14 section 7 of the Ports and Waterways Safety Act
15 (33 U.S.C. 1226) as precedes subsection (e) of that
16 section is redesignated as section 70116 of title 46,
17 United States Code, and transferred so as to replace
18 section 70116 of that title, as in effect before the
19 enactment of this Act.

20 (2) DEFINITIONS, ADMINISTRATION, AND EN-
21 FORCEMENT.—Section 70116 of title 46, United
22 States Code, as amended by paragraph (1) of this
23 subsection, is amended by adding at the end the fol-
24 lowing:

1 “(e) DEFINITIONS, ADMINISTRATION, AND EN-
2 FORCEMENT.—This section shall be treated as part of
3 chapter 700 for purposes of sections 70031, 70032,
4 70034, 70035, and 70036.”.

5 (3) CLERICAL AMENDMENT.—The analysis at
6 the beginning of chapter 701 of such title is amend-
7 ed by striking the item relating to section 70116 and
8 inserting the following:

“70116. Port, harbor, and coastal facility security.”.

9 (e) NONDISCLOSURE OF PORT SECURITY PLANS.—
10 Subsection (e) of section 7 of the Ports and Waterways
11 Safety Act (33 U.S.C. 1226), as so designated before the
12 application of subsection (b)(1) of this section—

13 (1) is redesignated as subsection (f) of section
14 70103 of title 46, United States Code, and trans-
15 ferred so as to appear after subsection (e) of such
16 section; and

17 (2) is amended by striking “this Act” and in-
18 serting “this chapter”.

19 (d) REPEAL.—Section 2307 of title 46, United States
20 Code, and the item relating to that section in the analysis
21 at the beginning of chapter 23 of that title, are repealed.

22 (e) REPEAL.—The Ports and Waterways Safety Act
23 (33 U.S.C. 1221–1231, 1232–1232b), as amended by this
24 Act, is repealed.

1 **SEC. 5303. TRANSITIONAL AND SAVINGS PROVISIONS.**

2 (a) **DEFINITIONS.**—In this section:

3 (1) **SOURCE PROVISION.**—The term “source
4 provision” means a provision of law that is replaced
5 by a title 46 provision under this title.

6 (2) **TITLE 46 PROVISION.**—The term “title 46
7 provision” means a provision of title 46, United
8 States Code, that is enacted by section 5302.

9 (b) **CUTOFF DATE.**—The title 46 provisions replace
10 certain provisions of law enacted before the date of the
11 enactment of this Act. If a law enacted after that date
12 amends or repeals a source provision, that law is deemed
13 to amend or repeal, as the case may be, the corresponding
14 title 46 provision. If a law enacted after that date is other-
15 wise inconsistent with a title 46 provision or a provision
16 of this title, that law supersedes the title 46 provision or
17 provision of this title to the extent of the inconsistency.

18 (c) **ORIGINAL DATE OF ENACTMENT UNCHANGED.**—
19 For purposes of determining whether one provision of law
20 supersedes another based on enactment later in time, a
21 title 46 provision is deemed to have been enacted on the
22 date of enactment of the source provision that the title
23 46 provision replaces.

24 (d) **REFERENCES TO TITLE 46 PROVISIONS.**—A ref-
25 erence to a title 46 provision, including a reference in a

1 regulation, order, or other law, is deemed to refer to the
2 corresponding source provision.

3 (e) REFERENCES TO SOURCE PROVISIONS.—A ref-
4 erence to a source provision, including a reference in a
5 regulation, order, or other law, is deemed to refer to the
6 corresponding title 46 provision.

7 (f) REGULATIONS, ORDERS, AND OTHER ADMINIS-
8 TRATIVE ACTIONS.—A regulation, order, or other admin-
9 istrative action in effect under a source provision con-
10 tinues in effect under the corresponding title 46 provision.

11 (g) ACTIONS TAKEN AND OFFENSES COMMITTED.—
12 An action taken or an offense committed under a source
13 provision is deemed to have been taken or committed
14 under the corresponding title 46 provision.

15 **SEC. 5304. RULE OF CONSTRUCTION.**

16 This title, including the amendments made by this
17 title, is intended only to transfer provisions of the Ports
18 and Waterways Safety Act to title 46, United States Code,
19 and may not be construed to alter—

20 (1) the effect of a provision of the Ports and
21 Waterways Safety Act, including any authority or
22 requirement therein;

23 (2) a department or agency interpretation with
24 respect to the Ports and Waterways Safety Act; or

1 vessel of such department and any private vessel
2 tendered gratuitously for that purpose.

3 “(e) TRANSFER OF AUTHORITY.—The authority of
4 the Commandant under this section may be transferred
5 by the President for any special occasion to the head of
6 another Federal department or agency whenever in the
7 President’s judgment such transfer is desirable.

8 “(d) PENALTIES.—

9 “(1) IN GENERAL.—For any violation of regula-
10 tions issued pursuant to this section the following
11 penalties shall be incurred:

12 “(A) A licensed officer shall be liable to
13 suspension or revocation of license in the man-
14 ner prescribed by law for incompetency or mis-
15 conduct.

16 “(B) Any person in charge of the naviga-
17 tion of a vessel other than a licensed officer
18 shall be liable to a penalty of \$5,000.

19 “(C) The owner of a vessel (including any
20 corporate officer of a corporation owning the
21 vessel) actually on board shall be liable to a
22 penalty of \$5,000, unless the violation of regu-
23 lations occurred without the owner’s knowledge.

24 “(D) Any other person shall be liable to a
25 penalty of \$2,500.

1 or insular, subject to the jurisdiction of the United
2 States.

3 “(2) TERRITORIAL WATERS.—The term ‘terri-
4 torial waters of the United States’ includes all
5 waters of the territorial sea of the United States as
6 described in Presidential Proclamation 5928 of De-
7 cember 27, 1988.”

8 (b) REGULATION OF ANCHORAGE AND MOVEMENT
9 OF VESSELS DURING NATIONAL EMERGENCY.—Section 1
10 of title II of the Act of June 15, 1917 (40 Stat. 220, chap-
11 ter 30; 50 U.S.C. 191), is amended—

12 (1) by striking the section designation and all
13 that follows before “by proclamation” and inserting
14 the following:

15 **“§ 70051. Regulation of anchorage and movement of**
16 **vessels during national emergency**

17 “Whenever the President”;

18 (2) by striking “of the Treasury”;

19 (3) by striking “of the department in which the
20 Coast Guard is operating”;

21 (4) by striking “this title” and inserting “this
22 subchapter”; and

23 (5) by transferring the section so that the sec-
24 tion appears before section 70054 of title 46, United

1 States Code (as added by subsection (a) of this sec-
2 tion).

3 (c) SEIZURE AND FORFEITURE OF VESSEL; FINE
4 AND IMPRISONMENT.—Section 2 of title II of the Act of
5 June 15, 1917 (40 Stat. 220, chapter 30; 50 U.S.C. 192),
6 is amended—

7 (1) by striking the section designation and all
8 that follows before “agent,” and inserting the fol-
9 lowing:

10 **“§ 70052. Seizure and forfeiture of vessel; fine and im-
11 prisonment**

12 “(a) IN GENERAL.—If any owner,”;

13 (2) by striking “this title” each place it appears
14 and inserting “this subchapter”; and

15 (3) by transferring the section so that the sec-
16 tion appears after section 70051 of title 46, United
17 States Code (as transferred by subsection (b) of this
18 section).

19 (d) ENFORCEMENT PROVISIONS.—Section 4 of title
20 II of the Act of June 15, 1917 (40 Stat. 220, chapter
21 30; 50 U.S.C. 194), is amended—

22 (1) by striking all before “may employ” and in-
23 serting the following:

24 **“§ 70053. Enforcement provisions**

25 “The President”;

1 (2) by striking “the purpose of this title” and
2 inserting “this subchapter”; and

3 (3) by transferring the section so that the sec-
4 tion appears after section 70052 of title 46, United
5 States Code (as transferred by subsection (e) of this
6 section).

7 (e) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 700 of title 46, United States Code, as established by
9 section 5301 of this Act, is amended by adding at the end
10 the following:

“SUBCHAPTER F—REGULATION OF VESSELS IN TERRITORIAL WATERS OF
UNITED STATES

“70051. Regulation of anchorage and movement of vessels during national emer-
gency:

“70052. Seizure and forfeiture of vessel; fine and imprisonment.

“70053. Enforcement provisions:

“70054. Definitions.”.

11 **TITLE IV—MARITIME**
12 **TRANSPORTATION SAFETY**

13 **SEC. 5401. CLARIFICATION OF LOGBOOK ENTRIES.**

14 (a) IN GENERAL.—Section 11304 of title 46, United
15 States Code, is amended—

16 (1) in subsection (a), by striking “an official”
17 and inserting “a”; and

18 (2) in subsection (b), by amending paragraph
19 (3) to read as follows:

20 “(3) Each illness of, and injury to, a seaman of
21 the vessel, the nature of the illness or injury, and

1 the medical treatment provided for the injury or ill-
2 ness.”.

3 (b) ~~TECHNICAL AMENDMENT.~~—Section 11304(b) is
4 amended by striking “log book” and inserting “logbook”.

5 **SEC. 5402. TECHNICAL CORRECTIONS: LICENSES, CERTIFI-**
6 **CATIONS OF REGISTRY, AND MERCHANT**
7 **MARINER DOCUMENTS.**

8 Title 46, United States Code, is amended—

9 (1) in section 7106(b), by striking “merchant
10 mariner’s document,” and inserting “license,”;

11 (2) in section 7107(b), by striking “merchant
12 mariner’s document,” and inserting “certificate of
13 registry,”;

14 (3) in section 7507(b)(1), by striking “licenses
15 or certificates of registry” and inserting “merchant
16 mariner documents”; and

17 (4) in section 7507(b)(2) by striking “merchant
18 mariner’s document.” and inserting “license or cer-
19 tificate of registry.”.

20 **SEC. 5403. NUMBERING FOR UNDOCUMENTED BARGES.**

21 Section 12301(b) of title 46, United States Code, is
22 amended—

23 (1) by striking “shall” and inserting “may”;
24 and

25 (2) by inserting “of” after “barge”.

1 **SEC. 5404. DRAWBRIDGE DEVIATION EXEMPTION.**

2 Section 5 of the Act entitled “An Act making appro-
3 priations for the construction, repair, and preservation of
4 certain public works on rivers and harbors, and for other
5 purposes”, approved August 18, 1894 (33 U.S.C. 499),
6 is amended by adding at the end the following new sub-
7 section:

8 “(d) EXEMPTION.—

9 “(1) IN GENERAL.—A change to a schedule
10 that governs the opening of a drawbridge that will
11 be in effect for less than 6 months shall not be sub-
12 ject to the rule making requirements of section 553
13 of title 5, United States Code.

14 “(2) ALTERNATE REQUIREMENTS.—

15 “(A) DUTIES OF SECRETARY.—The Sec-
16 retary of the department in which the Coast
17 Guard is operating shall provide notice of each
18 such change through—

19 “(i) a local notice to mariners;

20 “(ii) a Coast Guard broadcast notice
21 to mariners; or

22 “(iii) another method of notice that
23 the Secretary considers appropriate.

24 “(B) OWNER AND OPERATOR DUTIES.—

25 With respect to any drawbridge other than a
26 railroad drawbridge, the owner or operator of

1 such drawbridge shall provide notice of such a
2 change to—

3 “(i) the general public, through publi-
4 cation in a newspaper of general circula-
5 tion;

6 “(ii) the Department of Transpor-
7 tation or other public agency with adminis-
8 trative jurisdiction over the roadway that
9 abuts the approach to such bridge; and

10 “(iii) the law enforcement organiza-
11 tion with jurisdiction over the roadway
12 that abuts the approach to such bridge.”.

13 **SEC. 5405. DEADLINE FOR COMPLIANCE WITH ALTERNATE**
14 **SAFETY COMPLIANCE PROGRAMS.**

15 (a) **DEADLINE.**—Section 4503(d) of title 46, United
16 States Code, is amended by striking so much as precedes
17 paragraph (3) and inserting the following:

18 “(d)(1) The Secretary, in cooperation with the com-
19 mercial fishing industry, may prescribe an alternative
20 safety compliance program that shall apply in lieu of re-
21 quirements under section 4502(b), for any category of
22 fishing vessels, fish processing vessels, or fish tender ves-
23 sels that are—

24 “(A) at least 50 feet overall in length;

25 “(B) built before July 1, 2013; and

1 “(C) 25 years of age or older.

2 “(2) An alternative safety compliance program pre-
3 scribed under paragraph (1) shall apply to a vessel—

4 “(A) except as provided in subparagraph (B),
5 after the later of January 1, 2020, or the end of the
6 3-year period beginning on the date on which the
7 Secretary prescribes the program; and

8 “(B) in the case of a vessel that undergoes a
9 major conversion completed after the later of July 1,
10 2013, or the date the Secretary establishes stand-
11 ards for the alternate safety compliance program,
12 upon the completion of such conversion.”.

13 (b) CONFORMING AMENDMENT.—Section 4502(b) of
14 title 46, United States Code, is amended by inserting “and
15 subject to section 4503(d),” after “In addition to the re-
16 quirements of subsection (a) of this section,”.

17 **SEC. 5406. AUTHORIZATION FOR MARINE DEBRIS PRO-**
18 **GRAM.**

19 The Marine Debris Research, Prevention, and Reduc-
20 tion Act is amended—

21 (1) in section 9 (33 U.S.C. 1958)—

22 (A) by striking the em-dash and all that
23 follows through “(1)”; and

1 (B) by striking “; and” and all that follows
2 through the end of the section and inserting a
3 period; and

4 (2) by adding at the end the following:

5 **“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

6 “Of the amounts authorized for each fiscal year
7 under section 2702(1) of title 14, United States Code, up
8 to \$2,000,000 are authorized for the Commandant to
9 carry out section 4 of this Act, of which not more than
10 10 percent may be used for administrative costs.”.

11 **SEC. 5407. ALTERNATIVE DISTRESS SIGNALS.**

12 (a) PERFORMANCE STANDARD.—Not later than one
13 year after the date of the enactment of this Act, the Sec-
14 retary of the department in which the Coast Guard is op-
15 erating shall issue a rule that establishes a performance
16 standard for distress signals, including for maritime visual
17 distress signals, that may be used as an alternative to the
18 distress signals required by section 175.110 of title 33,
19 Code of Federal Regulations.

20 (b) AUTHORIZATION OF USE.—Not later than 180
21 days after the date of the issuance of a rule under sub-
22 section (a), the Secretary shall issue a rule amending part
23 175 of title 33, Code of Federal Regulations, to authorize
24 use of distress signals in accordance with such perform-
25 ance standard.

1 **SEC. 5408. ATLANTIC COAST PORT ACCESS ROUTE STUDY**
2 **RECOMMENDATIONS.**

3 Not later than 30 days after the date of the enact-
4 ment of the Act, the Commandant of the Coast Guard
5 shall notify the Committee on Transportation and Infra-
6 structure of the House of Representatives and the Com-
7 mittee on Commerce, Science, and Transportation of the
8 Senate of action taken to carry out the recommendations
9 contained in the final report issued by the Atlantic Coast
10 Port Access Route Study (ACPARS) workgroup for which
11 notice of availability was published March 14, 2016 (81
12 Fed. Reg. 13307).

13 **SEC. 5409. DOCUMENTATION OF RECREATIONAL VESSELS.**

14 Coast Guard personnel performing nonrecreational
15 vessel documentation functions under subchapter II of
16 chapter 121 of title 46, United States Code, may perform
17 recreational vessel documentation under section 12114 of
18 such title in any fiscal year in which—

19 (1) funds available for Coast Guard operating
20 expenses may not be used for expenses incurred for
21 recreational vessel documentation;

22 (2) fees collected from owners of yachts and
23 credited to such use are insufficient to pay expenses
24 of recreational vessel documentation; and

25 (3) there is a backlog of applications for rec-
26 reational vessel documentation.

1 **SEC. 5410. CERTIFICATES OF DOCUMENTATION FOR REC-**
2 **REATIONAL VESSELS.**

3 Section 12114 of title 46, United States Code, is
4 amended by adding at the end the following:

5 “(d) **EFFECTIVE PERIOD.**—A recreational endorse-
6 ment for a vessel—

7 “(1) except as provided in paragraph (3), shall
8 be effective for 5 years;

9 “(2) shall require the owner of the vessel to no-
10 tify the Coast Guard of each change in the informa-
11 tion on which the issuance of the certificate of docu-
12 mentation is based that occurs before the expiration
13 of the certificate under this subsection, by not later
14 than 30 days after such change; and

15 “(3) shall terminate upon the expiration of such
16 30-day period if the owner has not notified the
17 Coast Guard of such change before the end of such
18 period.

19 “(e) **STATE AND LOCAL AUTHORITY TO REMOVE**
20 **ABANDONED AND DERELICT VESSELS.**—Nothing in this
21 section shall be construed to limit the authority of a State
22 or local authority from taking action to remove an aban-
23 doned or derelict vessel.

24 “(f) **AUTHORITY.**—

25 “(1) **REQUIREMENT.**—The Secretary shall as-
26 sess and collect a fee for the issuance or renewal of

1 a recreational endorsement, that is equivalent to the
 2 fee established for the issuance or renewal, respec-
 3 tively, of a fishery endorsement pursuant to section
 4 2110.

5 “(2) TREATMENT.—Fees collected under this
 6 subsection—

7 “(A) shall be credited to the account from
 8 which the costs of such issuance or renewal
 9 were paid; and

10 “(B) may remain available until ex-
 11 pended.”.

12 **SEC. 5411. BACKUP GLOBAL POSITIONING SYSTEM.**

13 (a) IN GENERAL.—Subtitle VIII of title 46, United
 14 States Code, is amended by adding at the end the fol-
 15 lowing:

16 **“CHAPTER 807—POSITION, NAVIGATION,**
 17 **AND TIMING**

“Sec.

“80701. Land-based complementary and backup positioning, navigation, and
 timing system.

18 **“§ 80701. Land-based complementary and backup po-**
 19 **sitioning, navigation, and timing system**

20 “(a) ELORAN.—Subject to the availability of appro-
 21 priations, the Secretary shall provide for the establish-
 22 ment, sustainment, and operation of a reliable land-based
 23 enhanced LORAN, or eLORAN, positioning, navigation,
 24 and timing system.

1 “(b) PURPOSE.—The purpose of the system estab-
2 lished under subsection (a) is to provide a complement to,
3 and backup for, the Global Positioning System (in this
4 section referred to as ‘GPS’) to ensure the availability of
5 uncorrupted and nondegraded positioning, navigation, and
6 timing signals for military and civilian users in the event
7 that GPS signals are corrupted, degraded, unreliable, or
8 otherwise unavailable.

9 “(c) REQUIREMENTS.—The system established under
10 subsection (a) shall—

11 “(1) be wireless;

12 “(2) be terrestrial;

13 “(3) provide wide-area coverage;

14 “(4) transmit a precise, high-power signal in
15 the 100 kilohertz spectrum and meet the one micro-
16 second accuracy requirement specified in the Federal
17 Radio Navigation Plan;

18 “(5) be synchronized with coordinated universal
19 time;

20 “(6) be resilient and extremely difficult to dis-
21 rupt or degrade;

22 “(7) be able to penetrate underground and in-
23 side buildings;

24 “(8) be capable of deployment to remote loca-
25 tions;

1 “(9) take full advantage of the infrastructure of
2 the existing, unused Coast Guard long-range naviga-
3 tion system (commonly known as ‘LORAN-C’), and
4 subject to the concurrence and agreement of other
5 agencies, unused facilities associated with the
6 Ground Wave Emergency Network and Nationwide
7 Differential GPS systems;

8 “(10) utilize and leverage the capabilities of the
9 entity for development, building, and operation of
10 the system;

11 “(11) function in an interoperable and com-
12 plementary manner with other similar positioning,
13 navigation, and timing systems;

14 “(12) be made available by the Secretary for
15 use by other Federal agencies for public purposes at
16 no cost; and

17 “(13) incorporate such other requirements de-
18 termined necessary by the Secretary with respect to
19 such agencies.

20 “(d) SECRETARY DEFINED.—In this section the term
21 ‘Secretary’ means the Secretary of Transportation, acting
22 through the Commandant of the Coast Guard.”.

23 (b) CLERICAL AMENDMENT.—The analysis for sub-
24 title VIII of title 46, United States Code, is amended by

1 adding after the item relating to chapter 805 the fol-
 2 lowing:

“807. **Position, navigation, and timing**80701.”.

3 (e) **IMPLEMENTATION PLAN.**—Not later than 180
 4 days after the date of the enactment of this Act, the Sec-
 5 retary, as that term is defined in the amendments made
 6 by this section, shall provide to the Committee on Trans-
 7 portation and Infrastructure of the House of Representa-
 8 tives and the Committee on Commerce, Science, and
 9 Transportation of the Senate, a plan to ensure that the
 10 system required under such amendments is fully oper-
 11 ational by not later than 3 years after such date of enact-
 12 ment.

13 **SEC. 5412. WATERS DEEMED NOT NAVIGABLE WATERS OF**
 14 **THE UNITED STATES FOR CERTAIN PUR-**
 15 **POSES.**

16 For purposes of the application of subtitle H of title
 17 46, United States Code, to the Volunteer (Hull Number
 18 CCA4108), the Illinois and Michigan Canal is deemed to
 19 not be navigable waters of the United States.

20 **SEC. 5413. UNINSPECTED PASSENGER VESSELS IN ST.**
 21 **LOUIS COUNTY, MINNESOTA.**

22 Section 4105 of title 46, United States Code, is
 23 amended—

24 (1) by redesignating subsection (e) as sub-
 25 section (d); and

1 (2) by inserting after subsection (b) the fol-
2 lowing:

3 “(e) In applying this title with respect to an
4 uninspected vessel of less than 25 feet overall in length
5 that carries passengers on Crane Lake or waters contig-
6 uous to such lake in St. Louis County, Minnesota, the Sec-
7 retary shall substitute ‘12 passengers’ for ‘6 passengers’
8 each place it appears in section 2101(42).”.

9 **SEC. 5414. ENGINE CUT-OFF SWITCH REQUIREMENTS.**

10 (a) **INSTALLATION REQUIREMENT.—**

11 (1) **IN GENERAL.—**Not later than 1 year after
12 the date of the enactment of this Act, the Secretary
13 of the department in which the Coast Guard is oper-
14 ating shall issue a regulation amending part 183 of
15 title 33, Code of Federal Regulations, that requires
16 associated equipment manufacturers, distributors,
17 and dealers installing propulsion machinery and as-
18 sociated starting controls on a recreational vessel
19 less than 26 feet overall in length and capable of de-
20 veloping at least 15 pounds of static thrust or 3
21 horsepower to install an engine cut-off switch in
22 compliance with American Boat and Yacht Standard
23 A-33.

1 (2) EFFECTIVE DATE.—The regulation shall
2 take effect at the end of the 1-year period beginning
3 on the date of the issuance of such regulation.

4 (b) DEFINITIONS.—Not later than 1 year after the
5 date of the enactment of this Act, the Secretary of the
6 department in which the Coast Guard is operating shall
7 issue a regulation amending part 175 and part 183 of title
8 33, Code of Federal Regulations, that—

9 (1) defines the term “engine cut-off switch” for
10 purposes of that part to mean a mechanical or elec-
11 tronic device that is connected to propulsion machin-
12 ery of a recreational vessel less than 26 feet overall
13 in length that will stop propulsion if—

14 (A) the switch is not properly connected to
15 the propulsion machinery; or

16 (B) the switch components are—

17 (i) submerged in water; or

18 (ii) separated from the propulsion ma-
19 chinery by a predetermined distance; and

20 (2) defines the term “engine cut-off switch
21 link” for purposes of that part to mean equipment
22 that—

23 (A) is attached to as recreational vessel op-
24 erator; and

25 (B) activates the engine cut-off switch.

1 **TITLE V—MISCELLANEOUS**

2 ~~SEC. 5501. REPEAL.~~

3 Subsection (h) of section 888 of the Homeland Secu-
4 rity Act of 2002 (6 U.S.C. 468) is repealed.

5 ~~SEC. 5502. REIMBURSEMENTS FOR NON-FEDERAL CON-
6 **STRUCTION COSTS OF CERTAIN AIDS TO**
7 **NAVIGATION.**~~

8 ~~(a) IN GENERAL.—Subject to the availability of
9 amounts specifically provided in advance in subsequent ap-
10 propriations Acts and in accordance with this section, the
11 Commandant of the Coast Guard may reimburse a non-
12 Federal entity for costs incurred by the entity for a cov-
13 ered project.~~

14 ~~(b) CONDITIONS.—The Commandant may not pro-
15 vide reimbursement under subsection (a) with respect to
16 a covered project unless—~~

17 ~~(1) the need for the project is a result of the
18 completion of construction with respect to a federally
19 authorized navigation channel;~~

20 ~~(2) the Commandant determines, through an
21 appropriate navigation safety analysis, that the
22 project is necessary to ensure safe marine transpor-
23 tation;~~

24 ~~(3) the Commandant approves the design of the
25 project to ensure that it meets all applicable Coast~~

1 Guard aids-to-navigation standards and require-
2 ments;

3 (4) the non-Federal entity agrees to transfer
4 the project upon completion to the Coast Guard for
5 operation and maintenance by the Coast Guard as a
6 Federal aid to navigation;

7 (5) the non-Federal entity carries out the
8 project in accordance with the same laws and regula-
9 tions that would apply to the Coast Guard if the
10 Coast Guard carried out the project, including ob-
11 taining all permits required for the project under
12 Federal and State law; and

13 (6) the Commandant determines that the
14 project satisfies such additional requirements as may
15 be established by the Commandant.

16 (c) LIMITATIONS.—Reimbursements under sub-
17 section (a) may not exceed the following:

18 (1) For a single covered project, \$5,000,000.

19 (2) For all covered projects in a single fiscal
20 year, \$5,000,000.

21 (d) EXPIRATION.—The authority granted under this
22 section shall expire on the date that is 4 years after the
23 date of enactment of this section.

24 (e) COVERED PROJECT DEFINED.—In this section,
25 the term “covered project” means a project carried out

1 by a non-Federal entity to construct and establish an aid
2 to navigation that facilitates safe and efficient marine
3 transportation on a Federal navigation project authorized
4 by title I of the Water Resources Development Act of 2007
5 (Public Law 110–114).

6 **SEC. 5503. CORRECTIONS TO PROVISIONS ENACTED BY**
7 **COAST GUARD AUTHORIZATION ACTS.**

8 Section 604(b) of the Howard Coble Coast Guard and
9 Maritime Transportation Act of 2014 (Public Law 113–
10 281, 128 Stat. 3061) is amended by inserting “and fishery
11 endorsement” after “endorsement”.

12 **SEC. 5504. SHIP SHOAL LIGHTHOUSE TRANSFER: REPEAL.**

13 Effective January 1, 2021, section 27 of the Coast
14 Guard Authorization Act of 1991 (Public Law 102–241;
15 105 Stat. 2218) is repealed.

16 **SEC. 5505. COAST GUARD MARITIME DOMAIN AWARENESS.**

17 (a) IN GENERAL.—The Secretary of the department
18 in which the Coast Guard is operating shall seek to enter
19 into an arrangement with the National Academy of
20 Sciences not later than 60 days after the date of the enact-
21 ment of this Act under which the Academy shall prepare
22 an assessment of available unmanned, autonomous, or re-
23 motely controlled maritime domain awareness technologies
24 for use by the Coast Guard.

25 (b) ASSESSMENT.—The assessment shall—

1 (1) describe the potential limitations of current
2 and emerging unmanned technologies used in the
3 maritime domain for—

4 (A) ocean observation;

5 (B) vessel monitoring and identification;

6 (C) weather observation;

7 (D) to the extent practicable for consider-
8 ation by the Academy, intelligence gathering,
9 surveillance, and reconnaissance; and

10 (E) communications;

11 (2) examine how technologies described in para-
12 graph (1) can help prioritize Federal investment by
13 examining;

14 (A) affordability, including acquisition, op-
15 erations, and maintenance;

16 (B) reliability;

17 (C) versatility;

18 (D) efficiency; and

19 (E) estimated service life and persistence
20 of effort; and

21 (3) analyze whether the use of new and emerg-
22 ing maritime domain awareness technologies can be
23 used to—

24 (A) carry out Coast Guard missions at
25 lower costs;

1 (B) expand the scope and range of Coast
2 Guard maritime domain awareness;

3 (C) allow the Coast Guard to more effi-
4 ciently and effectively allocate Coast Guard ves-
5 sels, aircraft, and personnel; and

6 (D) identify adjustments that would be
7 necessary in Coast Guard policies, procedures,
8 and protocols to incorporate unmanned tech-
9 nologies to enhance efficiency.

10 (e) REPORT TO CONGRESS.—Not later than 1 year
11 after entering into an arrangement with the Secretary
12 under subsection (a), the National Academy of Sciences
13 shall submit the assessment prepared under this section
14 to the Committees on Transportation and Infrastructure
15 and Homeland Security of the House of Representatives
16 and the Committee on Commerce, Science, and Transpor-
17 tation of the Senate.

18 (d) USE OF INFORMATION.—In formulating costs
19 pursuant to subsection (b), the National Academy of
20 Sciences may utilize information from other Coast Guard
21 reports, assessments, or analyses regarding existing Coast
22 Guard manpower requirements or other reports, assess-
23 ments, or analyses for the acquisition of unmanned, auton-
24 omous, or remotely controlled technologies by the Federal
25 Government.

1 **SEC. 5506. TOWING SAFETY MANAGEMENT SYSTEM FEES.**

2 (a) REVIEW.—The Commandant of the Coast Guard
3 shall—

4 (1) review and compare the costs to the Govern-
5 ment of—

6 (A) towing vessel inspections performed by
7 the Coast Guard; and

8 (B) such inspections performed by a third
9 party; and

10 (2) based on such review and comparison, de-
11 termine whether the costs to the Government of
12 such inspections performed by a third party are dif-
13 ferent than the costs to the Government of such in-
14 spections performed by the Coast Guard.

15 (b) REVISION OF FEES.—If the Commandant deter-
16 mines under subsection (a) that the costs to the Govern-
17 ment of such inspections performed by a third party are
18 different than the costs to the Government of such inspec-
19 tions performed by the Coast Guard, then the Com-
20 mandant shall revise the fee assessed by the Coast Guard
21 for such inspections as necessary to conform to the re-
22 quirements under section 9701 of title 31, United States
23 Code, that such fee be based on the cost to the Govern-
24 ment of such inspections and accurately reflect such costs.

1 **SEC. 5507. OIL SPILL DISBURSEMENTS AUDITING AND RE-**
2 **PORT.**

3 Section 1012 of the Oil Pollution Act of 1990 (~~33~~
4 U.S.C. 2712) is amended—

5 (1) by repealing subsection (g);

6 (2) in subsection (1)(1), by striking “Within one
7 year after the date of enactment of the Coast Guard
8 Authorization Act of 2010, and annually thereafter,”
9 and inserting “Each year, on the date on which the
10 President submits to Congress a budget under sec-
11 tion 1105 of title 31, United States Code,”; and

12 (3) by amending subsection (1)(2) to read as
13 follows:

14 “(2) CONTENTS.—The report shall include—

15 “(A) a list of each incident that—

16 “(i) occurred in the preceding fiscal
17 year; and

18 “(ii) resulted in disbursements from
19 the Fund, for removal costs and damages,
20 totaling \$500,000 or more;

21 “(B) a list of each incident that—

22 “(i) occurred in the fiscal year pre-
23 ceeding the preceding fiscal year; and

24 “(ii) resulted in disbursements from
25 the Fund, for removal costs and damages,
26 totaling \$500,000 or more; and

1 “(C) an accounting of any amounts reim-
2 bursed to the Fund in the preceding fiscal year
3 that were recovered from a responsible party
4 for an incident that resulted in disbursements
5 from the Fund, for removal costs and damages,
6 totaling \$500,000 or more.”.

7 **SEC. 5508. LAND EXCHANGE, AYAKULIK ISLAND, ALASKA.**

8 (a) **LAND EXCHANGE.**—If the owner of Ayakulik Is-
9 land, Alaska, offers to exchange the Island for the Tract—

10 (1) within 30 days after receiving such offer,
11 the Secretary shall provide notice of the offer to the
12 Commandant;

13 (2) within 90 days after receiving the notice
14 under paragraph (1), the Commandant shall develop
15 and transmit to the Secretary proposed operational
16 restrictions on commercial activity conducted on the
17 Tract, including the right of the Commandant to—

18 (A) order the immediate termination, for a
19 period of up to 72 hours, of any activity occur-
20 ring on or from the Tract that violates or
21 threatens to violate one or more of such restric-
22 tions; or

23 (B) commence a civil action for appro-
24 priate relief, including a permanent or tem-
25 porary injunction enjoining the activity that vio-

1 lates or threatens to violate such restrictions;
2 and

3 ~~(3)~~ within 90 days after receiving the proposed
4 operational restrictions from the Commandant, the
5 Secretary shall transmit such restrictions to the
6 owner of Ayakulik Island; and

7 (4) within 30 days after transmitting the pro-
8 posed operational restrictions to the owner of
9 Ayakulik Island, and if the owner agrees to such re-
10 strictions, the Secretary shall convey all right, title
11 and interest of the United States in and to the
12 Tract to the owner, subject to an easement granted
13 to the Commandant to enforce such restrictions, in
14 exchange for all right, title and interest of such
15 owner in and to Ayakulik Island.

16 (b) BOUNDARY REVISIONS.—The Secretary may
17 make technical and conforming revisions to the boundaries
18 of the Tract before the date of the exchange.

19 (c) PUBLIC LAND ORDER.—Effective on the date of
20 an exchange under subsection (a), Public Land Order
21 5550 shall have no force or effect with respect to sub-
22 merged lands that are part of the Tract.

23 (d) FAILURE TO TIMELY RESPOND TO NOTICE.—If
24 the Commandant does not transmit proposed operational
25 restrictions to the Secretary within 30 days after receiving

1 the notice under subsection (a)(1), the Secretary shall, by
2 not later than 60 days after transmitting such notice, con-
3 vey all right, title, and interest of the United States in
4 and to the Tract to the owner of Ayakulik Island in ex-
5 change for all right, title, and interest of such owner in
6 and to Ayakulik Island.

7 (e) CERCLA NOT AFFECTED.—This section and an
8 exchange under this section shall not be construed to limit
9 the application of or otherwise affect section 120(h) of the
10 Comprehensive Environmental Response, Compensation,
11 and Liability Act of 1980 (42 U.S.C. 9620(h)).

12 (f) DEFINITIONS.—In this section:

13 (1) COMMANDANT.—The term “Commandant”
14 means the Secretary of the department in which the
15 Coast Guard is operating, acting through the Com-
16 mandant of the Coast Guard.

17 (2) SECRETARY.—The term “Secretary” means
18 the Secretary of the Interior.

19 (3) TRACT.—The term “Tract” means the land
20 (including submerged land) depicted as “PRO-
21 POSED PROPERTY EXCHANGE AREA” on the
22 survey titled “PROPOSED PROPERTY EX-
23 CHANGE PARCEL” and dated 3/22/17.

1 **SEC. 5509. VESSEL RESPONSE PLANS IN THE ARCTIC RE-**
2 **PORT.**

3 Not later than 180 days after the date of enactment
4 of this Act, the Commandant of the Coast Guard shall
5 submit to the Committee on Commerce, Science, and
6 Transportation of the Senate and the Committee on
7 Transportation and Infrastructure of the House of Rep-
8 resentatives a report on the oil spill prevention and re-
9 sponse capabilities available for the area covered by the
10 Captain of the Port Zone, as established by the Secretary,
11 that includes the Arctic (as defined in section 112 of the
12 Arctic Research and Policy Act of 1984 (15 U.S.C.
13 4111)). The report shall include—

14 (1) a description of equipment and assets avail-
15 able for response under the vessel response plans ap-
16 proved for vessels operating in the area covered by
17 such Captain of the Port Zone;

18 (2) a description of the locations of such equip-
19 ment and assets, including an estimate of the time
20 necessary to deploy such equipment and assets;

21 (3) a determination regarding how effectively
22 such equipment and assets are distributed through-
23 out such Captain of the Port Zone;

24 (4) a determination regarding whether the abil-
25 ity to deploy such equipment and assets is taken

1 into account when measuring the equipment and as-
2 sets available;

3 (5) a validation of the port assessment visit
4 process and a verification of the response resource
5 inventory; and

6 (6) a description of the resources needed by the
7 Coast Guard to conduct port assessments, exercises,
8 response plan review, and spill responses in such
9 Captain of the Port Zone.

10 **SEC. 5510. ASSESSMENT OF PUBLIC COMMENTS ON ADDI-**
11 **TIONAL ANCHORAGES ON THE HUDSON**
12 **RIVER.**

13 (a) **IN GENERAL.**—Not later than 180 days after the
14 date of the enactment of this Act, the Commandant of
15 the Coast Guard shall—

16 (1) assess the public comments received by the
17 Coast Guard on proposals to establish additional an-
18 chorages on the Hudson River between Yonkers,
19 New York, and Kingston, New York; and

20 (2) submit to the Committee on Transportation
21 and Infrastructure of the House of Representatives
22 and the Committee on Commerce, Science, and
23 Transportation of the Senate a report on such as-
24 sessment, including—

1 (A) a detailed summary of concerns raised
2 in such comments about the economic, safety,
3 and environmental impacts of such additional
4 anchorages on the communities bordering the
5 Hudson River between Yonkers, New York, and
6 Kingston, New York, including impacts of such
7 anchorage grounds to sites listed on the Na-
8 tional Priorities List under the Comprehensive
9 Environmental Response, Compensation, and
10 Liability Act of 1980 (42 U.S.C. 9601 et seq.)
11 and areas designated as critical habitat of spe-
12 cies listed as endangered species under the En-
13 dangered Species Act of 1973 (16 U.S.C. 1531
14 et seq.); and

15 (B) the response of the Coast Guard to
16 such concerns.

17 (b) RESTRICTION.—The Commandant may not es-
18 tablish any of the anchorages described in subsection (a)
19 before the end of the 180-day period beginning on the date
20 of the submission of the report under subsection (a)(2).

21 **SEC. 5511. PUBLIC SAFETY ANSWERING POINTS AND MARI-**
22 **TIME SEARCH AND RESCUE COORDINATION.**

23 Not later than 180 days after the date of the enact-
24 ment of this Act—

1 (1) the Secretary of the department in which
2 the Coast Guard is operating acting through the
3 Commandant of the Coast Guard shall review Coast
4 Guard policies and procedures for public safety an-
5 swering points and search-and-rescue coordination
6 with State and local law enforcement entities in
7 order to—

8 (A) further minimize the possibility of
9 maritime 911 calls being improperly routed;
10 and

11 (B) assure the Coast Guard is able to ef-
12 fectively carry out the Coast Guard's maritime
13 search and rescue mission; and

14 (2) the Commandant shall formulate a national
15 maritime public safety answering points policy and
16 submit a report to the Congress on that subject.

17 **SEC. 5512. DOCUMENTATION OF "AMERICA'S FINEST".**

18 Notwithstanding sections ~~12112~~ and ~~12113~~ of title
19 46, United States Code, the Secretary of the department
20 in which the Coast Guard is operating may issue a certifi-
21 cate of documentation with a coastwise and a fishery en-
22 dorsement for the vessel America's Finest (United States
23 official number 1276760).

1 **DIVISION F—FEDERAL EMER-**
2 **GENCY MANAGEMENT AGEN-**
3 **CY (FEMA)**

4 **SEC. 6001. SHORT TITLE.**

5 This division may be cited as the “FEMA Reauthor-
6 ization Act of 2017”.

7 **SEC. 6002. REAUTHORIZATION OF FEDERAL EMERGENCY**
8 **MANAGEMENT AGENCY.**

9 Section 699 of the Post-Katrina Emergency Manage-
10 ment Reform Act of 2006 (Public Law 109–295; 6 U.S.C.
11 811) is amended—

12 (1) by striking “administration and operations”
13 each place it appears and inserting “management
14 and administration”;

15 (2) in paragraph (2), by striking “; and”;

16 (3) in paragraph (3), by striking the period and
17 inserting “; and”;

18 (4) by adding at the end the following:

19 “(4) for fiscal year 2018, \$1,049,000,000;

20 “(5) for fiscal year 2019, \$1,065,784,000; and

21 “(6) for fiscal year 2020, \$1,082,836,544.”.

22 **SEC. 6003. COMPREHENSIVE STUDY OF DISASTER COSTS**
23 **AND LOSSES.**

24 (a) **ESTABLISHMENT.**—Not later than 30 days after
25 the date of enactment of this Act, the Administrator shall

1 begin, acting through the National Advisory Council, a
2 comprehensive study relating to disaster costs and losses
3 and Federal disaster assistance.

4 (b) ~~ADDITIONAL MEMBERSHIP.~~—For the purposes of
5 the comprehensive study required under subsection (a), as
6 soon as practicable after the date of enactment of this Act,
7 the Administrator shall appoint the following members to
8 the National Advisory Council:

9 (1) ~~Individuals who have the requisite technical~~
10 ~~knowledge and expertise on issues related to disaster~~
11 ~~costs and losses.~~

12 (2) ~~Representatives of the insurance industry.~~

13 (3) ~~Experts in and representatives of the con-~~
14 ~~struction and building industry.~~

15 (4) ~~Individuals nominated by national organiza-~~
16 ~~tions representing State, local, and Tribal govern-~~
17 ~~ments and personnel.~~

18 (5) ~~Academic experts.~~

19 (6) ~~Representatives of the private industry,~~
20 ~~such as vendors, developers, and manufacturers of~~
21 ~~systems, facilities, equipment, and capabilities for~~
22 ~~emergency management services.~~

23 (7) ~~Other members, as the Administrator con-~~
24 ~~siders appropriate.~~

1 (c) CONSULTATION WITH NONMEMBERS.—For the
2 purposes of the comprehensive study required under sub-
3 section (a), the National Advisory Council shall consult
4 with other relevant agencies and entities that are not rep-
5 resented on the National Advisory Council to consider re-
6 search, data, findings, recommendations, innovative tech-
7 nologies, and developments, including—

8 (1) entities engaged in federally funded re-
9 search; and

10 (2) academic institutions engaged in relevant
11 work and research.

12 (d) STUDY REQUIREMENTS.—Not later than 120
13 days after the date of enactment of this Act, the National
14 Advisory Council shall convene to evaluate disaster costs
15 and losses and Federal disaster assistance, including con-
16 sideration of the following:

17 (1) TRENDS AND CONTRIBUTING FACTORS.—

18 An assessment of trends, and factors contributing to
19 such trends (such as shifting demographics and
20 aging infrastructure), in disaster costs and losses
21 and Federal disaster assistance, including the fol-
22 lowing:

23 (A) Loss of life and injury.

1 (B) Property damage and other costs to
2 individuals, the private sector, and each level of
3 government.

4 (C) Presidentially declared disasters.

5 (D) Disaster assistance available from all
6 Federal sources.

7 (2) DISASTER ROLES AND RESPONSIBILITY.—
8 Fundamental principles that drive national disaster
9 assistance decision making, including the appro-
10 priate roles for each level of government, the private
11 sector, and individuals.

12 (e) RECOMMENDATIONS.—The National Advisory
13 Council shall develop recommendations to reduce disaster
14 costs and losses in the United States and to more effi-
15 ciently and effectively deliver Federal disaster assistance,
16 including consideration of the following:

17 (1) Actions to enhance national disaster assist-
18 ance decision making.

19 (2) Incentives, including tax incentives, to re-
20 duce disaster costs and losses and promote a more
21 efficient and effective use of Federal disaster assist-
22 ance.

23 (3) Mechanisms to promote disaster cost and
24 loss reduction, mitigation, and resiliency.

1 (4) Legislative proposals, including proposals
2 for implementing the recommendations in the report
3 compiled pursuant to the requirement in section
4 1111 of the Sandy Recovery Improvement Act of
5 2013 (Public Law 113–2, 127 Stat. 49).

6 (5) Legal, societal, geographic, technological,
7 and other challenges to implementation of rec-
8 ommendations.

9 (6) Projected dollar savings and efficiencies, in-
10 cluding measures of effectiveness, from recommenda-
11 tions.

12 (f) REPORT TO ADMINISTRATOR AND CONGRESS.—
13 Not later than 1 year after the National Advisory Council
14 convenes under subsection (d), the National Advisory
15 Council shall submit a report containing the data, anal-
16 ysis, and recommendations developed under subsections
17 (d) and (e) to—

18 (1) the Administrator;

19 (2) the Committee on Transportation and In-
20 frastructure of the House of Representatives; and

21 (3) the Committee on Homeland Security and
22 Governmental Affairs of the Senate.

23 (g) AVAILABILITY OF INFORMATION.—The Adminis-
24 trator shall make the data collected pursuant to this sec-
25 tion publicly available on the website of the Agency.

1 **SEC. 6004. NATIONAL DOMESTIC PREPAREDNESS CONSOR-**
2 **TIUM.**

3 Section 1204 of the Implementing Recommendations
4 of the 9/11 Commission Act (6 U.S.C. 1102) is amend-
5 ed—

6 (1) in subsection (c), by inserting “to the extent
7 practicable, provide training in settings that simu-
8 late real response environments, such as urban
9 areas,” after “levels,”;

10 (2) in subsection (d), by striking paragraphs
11 (1) and (2) and inserting the following:

12 “(1) for the Center for Domestic Prepared-
13 ness—

14 “(A) \$63,939,000 for fiscal year 2018;

15 “(B) \$64,962,024 for fiscal year 2019; and

16 “(C) \$66,001,416 for fiscal year 2020; and

17 “(2) for the members referred to in paragraphs
18 (2) through (7) of subsection (b)—

19 “(A) \$101,000,000 for fiscal year 2018;

20 “(B) \$102,606,000 for fiscal year 2019;

21 and

22 “(C) \$104,247,856 for fiscal year 2020.”;

23 and

24 (3) in subsection (e) by striking—

25 (A) “each of the following entities” and in-
26 serting “members enumerated in section (b)”;

1 (B) “2007—” and inserting “2015.” and
2 (C) paragraphs (1) through (5).

3 **SEC. 6005. RURAL DOMESTIC PREPAREDNESS CONSOR-**
4 **TIUM.**

5 (a) **IN GENERAL.**—The Secretary of Homeland Secu-
6 rity is authorized to establish a Rural Domestic Prepared-
7 ness Consortium within the Department of Homeland Se-
8 curity consisting of universities and nonprofit organiza-
9 tions qualified to provide training to emergency response
10 providers from rural communities.

11 (b) **DUTIES.**—The Rural Domestic Preparedness
12 Consortium authorized under subsection (a) shall identify,
13 develop, test, and deliver training to State, local, and Trib-
14 al emergency response providers from rural communities,
15 provide on-site and mobile training, and facilitate the de-
16 livery of training by the training partners of the Depart-
17 ment of Homeland Security.

18 (c) **AUTHORIZATION OF APPROPRIATIONS.**—Of
19 amounts appropriated for Continuing Training Grants of
20 the Department of Homeland Security, \$5,000,000 is au-
21 thorized to be used for the Rural Domestic Preparedness
22 Consortium authorized under subsection (a).

1 **SEC. 6006. NATIONAL PREPARATION AND RESPONSE EF-**
2 **FORTS RELATING TO EARTHQUAKES AND**
3 **TSUNAMIS.**

4 The Administrator of the Federal Emergency Man-
5 agement Agency shall be responsible for the Nation's ef-
6 forts to reduce the loss of life and property, and to protect
7 the Nation, from an earthquake, tsunami, or combined
8 earthquake and tsunami event by developing the ability
9 to prepare and plan for, mitigate against, respond to, re-
10 cover from, and more successfully adapt to such an event.

11 **SEC. 6007. AUTHORITIES.**

12 Notwithstanding any other provision of law, the non-
13 federally funded actions of private parties, State, local, or
14 Tribal governments, on State, local, Tribal, and private
15 land, and the effects of those actions, shall not be attrib-
16 uted to the Federal Emergency Management Agency's ac-
17 tions under the National Flood Insurance Act of 1968 (42
18 U.S.C. 4001 et seq.), the Flood Disaster Protection Act
19 of 1973 (42 U.S.C. 4002 et seq.), the Biggert-Waters
20 Flood Insurance Reform Act of 2012 (subtitle A of title
21 H of division F of Public Law 112-141; 126 Stat. 916),
22 and the Homeowner Flood Insurance Affordability Act of
23 2014 (Public Law 113-89; 128 Stat. 1020) for the pur-
24 poses of section 7 (16 U.S.C. 1536) and section 9 (16
25 U.S.C. 1538) of the Endangered Species Act. Actions
26 taken under the National Flood Insurance Act of 1968,

1 the Flood Disaster Protection Act of 1973, the Biggert
2 Waters Flood Insurance Reform Act of 2012, and the
3 Homeowner Flood Insurance Affordability Act of 2014,
4 that may influence private actions do not create a Federal
5 nexus for the purpose of applying the requirements of sec-
6 tion 7 of the Endangered Species Act of 1973 (16 U.S.C.
7 1536).

8 **SEC. 6008. CENTER FOR FAITH-BASED AND NEIGHBOR-**
9 **HOOD PARTNERSHIPS.**

10 (a) **IN GENERAL.**—Title V of the Homeland Security
11 Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding
12 at the end the following new section:

13 **“SEC. 529. CENTER FOR FAITH-BASED AND NEIGHBORHOOD**
14 **PARTNERSHIPS.**

15 “(a) **IN GENERAL.**—There is established in the Agen-
16 cy a Center for Faith-Based and Neighborhood Partner-
17 ships, headed by a Director appointed by the Secretary.

18 “(b) **MISSION.**—The mission of the Center shall be
19 to develop and coordinate Departmental outreach efforts
20 with faith-based and community organizations and serve
21 as a liaison between such organizations and components
22 of the Department for activities related to securing facili-
23 ties, emergency preparedness and response, and com-
24 bating human trafficking.

1 “(c) RESPONSIBILITIES.—In support of the mission
2 of the Center for Faith-Based and Neighborhood Partner-
3 ships, the Director shall—

4 “(1) develop exercises that engage faith-based
5 and community organizations to test capabilities for
6 all hazards, including active shooter incidents;

7 “(2) coordinate the delivery of guidance and
8 training to faith-based and community organizations
9 related to securing their facilities against natural
10 disasters, acts of terrorism, and other man-made
11 disasters;

12 “(3) conduct outreach to faith-based and com-
13 munity organizations regarding guidance, training,
14 and exercises and Departmental capabilities avail-
15 able to assist faith-based and community organiza-
16 tions to secure their facilities against natural disas-
17 ters, acts of terrorism, and other man-made disas-
18 ters;

19 “(4) facilitate engagement and coordination
20 among the emergency management community and
21 faith-based and community organizations;

22 “(5) deliver training and technical assistance to
23 faith-based and community-based organizations and
24 provide subject-matter expertise related to anti-
25 human trafficking efforts to help communities sue-

1 cessfully partner with other Blue Campaign compo-
2 nents; and

3 “(6) perform any other duties as assigned by
4 the Administrator.”.

5 (b) CLERICAL AMENDMENT.—The table of contents
6 in section 1(b) of such Act is further amended by inserting
7 after the item relating to section 528 the following:

“Sec. 529. Center For Faith-Based And Neighborhood Partnerships.”.

8 **SEC. 6009. EMERGENCY SUPPORT FUNCTIONS.**

9 (a) UPDATE.—Paragraph (13) of section 504(a) of
10 the Homeland Security Act of 2002 (6 U.S.C. 314(a)) is
11 amended by inserting “, periodically updating (but not less
12 often than once every five years),” after “administering”.

13 (b) EMERGENCY SUPPORT FUNCTIONS.—Section
14 653 of the Post-Katrina Emergency Management Reform
15 Act of 2006 (6 U.S.C. 753; title VI of the Department
16 of Homeland Security Appropriations Act, 2007; Public
17 Law 109–295) is amended—

18 (1) by redesignating subsections (d) and (e) as
19 subsections (e) and (f), respectively; and

20 (2) by inserting after subsection (e) the fol-
21 lowing new subsection:

22 “(d) COORDINATION.—The President, acting through
23 the Administrator, shall develop and provide to Federal
24 departments and agencies with coordinating, primary, or
25 supporting responsibilities under the National Response

1 Framework performance metrics to ensure readiness to
2 execute responsibilities under the emergency support func-
3 tions of such Framework.”.

4 **SEC. 6010. REVIEW OF NATIONAL INCIDENT MANAGEMENT**
5 **SYSTEM.**

6 Paragraph (2) of section 509(b) of the Homeland Se-
7 curity Act of 2002 (6 U.S.C. 319(b)) is amended, in the
8 matter preceding subparagraph (A), by inserting “, but
9 not less often than once every five years,” after “periodi-
10 cally”.

11 **SEC. 6011. REMEDIAL ACTION MANAGEMENT PROGRAM.**

12 Section 650 of the Post-Katrina Emergency Manage-
13 ment Reform Act of 2006 (6 U.S.C. 750; title VI of the
14 Department of Homeland Security Appropriations Act,
15 2007; Public Law 109–295) is amended to read as follows:

16 **“SEC. 650. REMEDIAL ACTION MANAGEMENT PROGRAM.**

17 **“(a) IN GENERAL.—**The Administrator, in coordina-
18 tion with the National Council on Disability and the Na-
19 tional Advisory Council, shall establish a remedial action
20 management program to—

21 **“(1)** analyze training, exercises, and real world
22 events to identify lessons learned, corrective actions,
23 and best practices;

1 “(2) generate and disseminate, as appropriate,
2 the lessons learned, corrective actions, and best
3 practices referred to in paragraph (1); and

4 “(3) conduct remedial action tracking and long-
5 term trend analysis.

6 “(b) FEDERAL CORRECTIVE ACTIONS.—The Admin-
7 istrator, in coordination with the heads of appropriate
8 Federal departments and agencies, shall utilize the pro-
9 gram established pursuant to subsection (a) to collect in-
10 formation on corrective actions identified by such Federal
11 departments and agencies during exercises and the re-
12 sponse to natural disasters, acts of terrorism, and other
13 man-made disasters, and shall, not later than one year
14 after the date of the enactment of this section and annu-
15 ally thereafter for each of the next four years, submit to
16 Congress a report on the status of such corrective actions.

17 “(c) DISSEMINATION OF AFTER ACTION REPORTS.—
18 The Administrator shall provide electronically, to the max-
19 imum extent practicable, to Congress and Federal, State,
20 local, Tribal, and private sector officials after-action re-
21 ports and information on lessons learned and best prac-
22 tices from responses to acts of terrorism, natural disas-
23 ters, capstone exercises conducted under the national exer-
24 cise program under section 648(b), and other emergencies
25 or exercises.”.

1 **SEC. 6012. CENTER FOR DOMESTIC PREPAREDNESS.**

2 (a) **IMPLEMENTATION PLAN.**—The Administrator of
3 the Federal Emergency Management Agency shall develop
4 an implementation plan, including benchmarks and mile-
5 stones, to address the findings and recommendations of
6 the 2017 Management Review Team that issued a report
7 on May 8, 2017, regarding live agent training at the
8 Chemical, Ordnance, Biological and Radiological Training
9 Facility and provide to the Committee on Homeland Secu-
10 rity and the Committee on Transportation and Infrastruc-
11 ture of the House of Representatives and the Committee
12 on Homeland Security and Governmental Affairs of the
13 Senate updates and information on efforts to implement
14 recommendations related to the management review of the
15 Chemical, Ordnance, Biological, and Radiological Training
16 Facility of the Center for Domestic Preparedness of the
17 Federal Emergency Management Agency, including, as
18 necessary, information on additional resources or author-
19 ity needed to implement such recommendations.

20 (b) **COMPTROLLER GENERAL REVIEW.**—Not later
21 than one year after the date of the enactment of this sec-
22 tion, the Comptroller General of the United States shall
23 review and report to Congress on the status of the imple-
24 mentation plan required by subsection (a) and the govern-
25 ance structure at the Chemical, Ordnance, Biological and
26 Radiological Training Facility of the Center for Domestic

1 Preparedness of the Federal Emergency Management
2 Agency.

3 **SEC. 6013. FEMA SENIOR LAW ENFORCEMENT ADVISOR.**

4 (a) **IN GENERAL.**—Title V of the Homeland Security
5 Act of 2002 (6 U.S.C. 311 et seq.), as amended by this
6 Act, is further amended by adding at the end the following
7 new section:

8 **“SEC. 530. SENIOR LAW ENFORCEMENT ADVISOR.**

9 “(a) **ESTABLISHMENT.**—There is established in the
10 Agency a Senior Law Enforcement Advisor to serve as a
11 qualified expert to the Administrator for the purpose of
12 strengthening the Agency’s coordination among State,
13 local, and Tribal law enforcement.

14 “(b) **QUALIFICATIONS.**—The Senior Law Enforce-
15 ment Advisor shall have an appropriate background with
16 experience in law enforcement, intelligence, information
17 sharing, and other emergency response functions.

18 “(c) **RESPONSIBILITIES.**—The Senior Law Enforce-
19 ment Advisor shall—

20 “(1) coordinate on behalf of the Administrator
21 with the Office for State and Local Law Enforce-
22 ment under section 2006 for the purpose of ensuring
23 State, local, and Tribal law enforcement receive con-
24 sistent and appropriate consideration in policies,
25 guidance, training, and exercises related to pre-

1 venting, preparing for, protecting against, and re-
 2 sponding to natural disasters, acts of terrorism, and
 3 other man-made disasters within the United States;

4 “(2) work with the Administrator and the Of-
 5 fice for State and Local Law Enforcement under
 6 section 2006 to ensure grants to State, local, and
 7 Tribal government agencies, including programs
 8 under sections 2003, 2004, and 2006(a), appro-
 9 priately focus on terrorism prevention activities; and

10 “(3) serve other appropriate functions as deter-
 11 mined by the Administrator.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
 13 in section 1(b) of the Homeland Security Act of 2002, as
 14 amended by this Act, is further amended by inserting after
 15 the item relating to section 529 the following new item:
 “Sec. 530. Senior Law Enforcement Advisor.”.

16 **SEC. 6014. TECHNICAL EXPERT AUTHORIZED.**

17 Paragraph (2) of section 503(b) of the Homeland Se-
 18 curity Act of 2002 (6 U.S.C. 313(b)) is amended—

19 (1) in subparagraph (G), by striking “and” at
 20 the end;

21 (2) in subparagraph (H), by striking the period
 22 at the end and inserting “; and”; and

23 (3) by adding at the end the following new sub-
 24 paragraph:

1 “(I) identify and integrate the needs of
2 children into activities to prepare for, protect
3 against, respond to, recover from, and mitigate
4 against natural disasters, acts of terrorism, and
5 other man-made disasters, including cata-
6 strophic incidents, including by appointing a
7 technical expert, who may consult with relevant
8 outside organizations and experts, as necessary,
9 to coordinate such activities, as necessary.”.

10 **SEC. 6015. MISSION SUPPORT.**

11 (a) **ESTABLISHMENT.**—The Administrator of the
12 Federal Emergency Management Agency shall designate
13 an individual to serve as the chief management official and
14 principal advisor to the Administrator on matters related
15 to the management of the Federal Emergency Manage-
16 ment Agency, including management integration in sup-
17 port of emergency management operations and programs.

18 (b) **MISSION AND RESPONSIBILITIES.**—The Adminis-
19 trator of the Federal Emergency Management Agency,
20 acting through the official designated pursuant to sub-
21 section (a), shall be responsible for the management and
22 administration of the Federal Emergency Management
23 Agency, including with respect to the following:

24 (1) Procurement.

25 (2) Human resources and personnel.

1 ~~(3) Information technology and communications~~
2 ~~systems.~~

3 ~~(4) Real property investment and planning; fa-~~
4 ~~cilities; accountable personal property (including~~
5 ~~fleet and other material resources); records and dis-~~
6 ~~closure; privacy; safety and health; and sustain-~~
7 ~~ability and environmental management.~~

8 ~~(5) Security for personnel, information tech-~~
9 ~~nology and communications systems; facilities; prop-~~
10 ~~erty; equipment; and other material resources.~~

11 ~~(6) Any other management duties that the Ad-~~
12 ~~ministrator may designate.~~

13 ~~(c) MOUNT WEATHER EMERGENCY OPERATIONS~~
14 ~~AND ASSOCIATED FACILITIES.—Nothing in this section~~
15 ~~shall be construed as limiting or otherwise affecting the~~
16 ~~role or responsibility of the Assistant Administrator for~~
17 ~~National Continuity Programs with respect to the matters~~
18 ~~described in subsection (b) as such matters relate to the~~
19 ~~Mount Weather Emergency Operations Center and associ-~~
20 ~~ated facilities. The management and administration of the~~
21 ~~Mount Weather Emergency Operations Center and associ-~~
22 ~~ated facilities remain the responsibility of the Assistant~~
23 ~~Administrator for National Continuity Programs.~~

24 ~~(d) REPORT.—Not later than 270 days after the date~~
25 ~~of the enactment of this Act, the Administrator of the~~

1 Federal Emergency Management Agency shall submit to
2 the Committee on Homeland Security and the Committee
3 on Transportation and Infrastructure of the House of
4 Representatives and the Committee on Homeland Security
5 and Governmental Affairs of the Senate a report that in-
6 cludes—

7 (1) a review of financial, human capital, infor-
8 mation technology, real property planning, and ac-
9 quisition management of headquarters and all re-
10 gional offices of the Federal Emergency Manage-
11 ment Agency; and

12 (2) a strategy for capturing financial, human
13 capital, information technology, real property plan-
14 ning, and acquisition data.

15 **SEC. 6016. SYSTEMS MODERNIZATION.**

16 Not later than 180 days after the date of the enact-
17 ment of this Act, the Administrator of the Federal Emer-
18 gency Management Agency shall submit to the Committee
19 on Homeland Security and the Committee on Transpor-
20 tation and Infrastructure of the House of Representatives
21 and the Committee on Homeland Security and Govern-
22 mental Affairs of the Senate a report on the Federal
23 Emergency Management Agency's efforts to modernize its
24 grants and financial information technology systems, in-
25 cluding the following:

1 ability Integration and Coordination, which shall be head-
2 ed by a Director.

3 “(b) MISSION.—The mission of the Office is to en-
4 sure that individuals with disabilities and other access and
5 functional needs are included in emergency management
6 activities throughout the Agency by providing guidance,
7 tools, methods, and strategies for the purpose of equal
8 physical program and effective communication access.

9 “(c) RESPONSIBILITIES.—In support of the mission
10 of the Office, the Director shall—

11 “(1) provide guidance and coordination on mat-
12 ters related to individuals with disabilities in emer-
13 gency planning requirements and relief efforts in the
14 event of a natural disaster, act of terrorism, or other
15 man-made disaster;

16 “(2) oversee Office staff and personnel respon-
17 sible for disability integration in each regional office
18 with respect to carrying out the mission of the Of-
19 fice;

20 “(3) liaise with the staff of the Agency includ-
21 ing nonpermanent employees, organizations rep-
22 resenting individuals with disabilities, other agencies
23 of the Federal Government, and State, local, and
24 Tribal government authorities regarding the needs of
25 individuals with disabilities in emergency planning

1 requirements and relief efforts in the event of a nat-
2 ural disaster, act of terrorism, or other man-made
3 disaster;

4 “(4) coordinate with the technical expert on the
5 needs of children within the Agency to provide guid-
6 ance and coordination on matters related to children
7 with disabilities in emergency planning requirements
8 and relief efforts in the event of a natural disaster,
9 act of terrorism, or other man-made disaster;

10 “(5) consult with organizations representing in-
11 dividuals with disabilities about access and func-
12 tional needs in emergency planning requirements
13 and relief efforts in the event of a natural disaster,
14 act of terrorism, or other man-made disaster;

15 “(6) ensure the coordination and dissemination
16 of best practices and model evacuation plans for in-
17 dividuals with disabilities;

18 “(7) collaborate with Agency leadership respon-
19 sible for training to ensure that qualified experts de-
20 velop easily accessible training materials and a cur-
21 riculum for the training of emergency response pro-
22 viders, State, local, and Tribal government officials,
23 and others on the needs of individuals with disabili-
24 ties;

1 “(8) coordinate with the Emergency Manage-
2 ment Institute, Center for Domestic Preparedness,
3 Center for Homeland Defense and Security, U.S.
4 Fire Administration, National Exercise Program,
5 and National Domestic Preparedness Consortium to
6 ensure that content related to persons with disabil-
7 ities, access and functional needs, and children are
8 integrated into existing and future emergency man-
9 agement trainings;

10 “(9) promote the accessibility of telephone hot-
11 lines and websites regarding emergency prepared-
12 ness, evacuations, and disaster relief;

13 “(10) work to ensure that video programming
14 distributors, including broadcasters, cable operators,
15 and satellite television services, make emergency in-
16 formation accessible to individuals with hearing and
17 vision disabilities;

18 “(11) ensure the availability of accessible trans-
19 portation options for individuals with disabilities in
20 the event of an evacuation;

21 “(12) provide guidance and implement policies
22 to ensure that the rights and feedback of individuals
23 with disabilities regarding post-evacuation residency
24 and relocation are respected;

1 “(13) ensure that meeting the needs of individ-
2 uals with disabilities are included in the components
3 of the national preparedness system established
4 under section 644 of the Post-Katrina Emergency
5 Management Reform Act of 2006 (Public Law 109–
6 295; 120 Stat. 1425; 6 U.S.C. 744); and

7 “(14) perform any other duties as assigned by
8 the Administrator.

9 “(d) DIRECTOR.—After consultation with organiza-
10 tions representing individuals with disabilities, the Admin-
11 istrator shall appoint a Director. The Director shall report
12 directly to the Administrator, in order to ensure that the
13 needs of individuals with disabilities are being properly ad-
14 dressed in emergency preparedness and disaster relief.

15 “(e) ORGANIZATIONS REPRESENTING INDIVIDUALS
16 WITH DISABILITIES DEFINED.—For purposes of this sec-
17 tion, ‘organizations representing individuals with disabili-
18 ties’ shall mean the National Council on Disabilities and
19 the Interagency Coordinating Council on Preparedness
20 and Individuals with Disabilities, among other appropriate
21 disability organizations.”.

22 (2) CLERICAL AMENDMENT.—The table of con-
23 tents in section 1(b) of such Act is amended by
24 striking the item relating to section 513 and insert-
25 ing the following new item:

“513. Office of Disability Integration and Coordination.”.

1 (b) ~~REPORTING.—~~

2 (1) ~~REPORT TO CONGRESS.—~~Not later than
3 120 days after the date of the enactment of this sec-
4 tion, the Administrator shall submit to Congress a
5 report on the funding and staffing needs of the Of-
6 fice of Disability Integration and Coordination under
7 section 513 of the Homeland Security Act of 2002,
8 as amended by subsection (a).

9 (2) ~~COMPTROLLER GENERAL REVIEW.—~~Not
10 later than 120 days after the date of the submittal
11 of the report under paragraph (1), the Comptroller
12 General of the United States shall review the report
13 to evaluate whether the funding and staffing needs
14 described in the report are sufficient to support the
15 activities of the Office of Disability Integration and
16 Coordination.

17 **SEC. 6019. TECHNICAL AMENDMENTS TO NATIONAL EMER-**
18 **GENCY MANAGEMENT.**

19 (a) ~~HOMELAND SECURITY ACT OF 2002.—~~Title V of
20 the Homeland Security Act of 2002 (6 U.S.C. 501 et seq.)
21 is amended—

22 (1) in section 501(8) (6 U.S.C. 311(8))—

23 (A) by striking “National Response Plan”
24 each place it appears and inserting “National
25 Response Framework”; and

1 (B) by striking “502(a)(6)” and inserting
2 “504(a)(6)”;

3 (2) in section 503(b)(2)(A) (6 U.S.C. 313) by
4 inserting “and incidents impacting critical infra-
5 structure” before the semicolon;

6 (3) in section 504(a) (6 U.S.C. 314(a))—

7 (A) in paragraph (3) by striking “, includ-
8 ing—” and inserting “(that includes incidents
9 impacting critical infrastructure), including—”;

10 (B) in paragraph (4) by inserting “, in-
11 cluding incidents impacting critical infrastruc-
12 ture” before the semicolon;

13 (C) in paragraph (5) by striking “and
14 local” and inserting “local, and Tribal”;

15 (D) in paragraph (6) by striking “national
16 response plan” and inserting “national response
17 framework, which shall be reviewed and up-
18 dated as required but not less than every 5
19 years”;

20 (E) by redesignating paragraphs (7)
21 through (21) as paragraphs (8) through (22),
22 respectively;

23 (F) by inserting after paragraph (6) the
24 following:

1 “(7) developing integrated frameworks, to in-
2 clude consolidating existing Government plans ad-
3 dressing prevention, protection, mitigation, and re-
4 covery with such frameworks reviewed and updated
5 as required, but not less than every 5 years;”;

6 (G) in paragraph (14), as redesignated, by
7 striking “National Response Plan” each place it
8 appears and inserting “National Response
9 Framework”;

10 (4) in section 507 (6 U.S.C. 317)—

11 (A) in subsection (e)—

12 (i) in paragraph (2)(E), by striking
13 “National Response Plan” and inserting
14 “National Response Framework”; and

15 (ii) in paragraph (3)(A), by striking
16 “National Response Plan” and inserting
17 “National Response Framework”; and

18 (B) in subsection (f)(1)(G), by striking
19 “National Response Plan” and inserting “Na-
20 tional Response Framework”;

21 (5) in section 508 (6 U.S.C. 318)—

22 (A) in subsection (b)(1), by striking “Na-
23 tional Response Plan” and inserting “National
24 Response Framework”; and

1 ~~(B)~~ in subsection (d)(2)(A), by striking
2 “~~The Deputy Administrator, Protection and~~
3 ~~National Preparedness~~” and inserting “~~A Dep-~~
4 ~~uty Administrator~~”;
5 (6) in section 509 (6 U.S.C. 319)—

6 (A) in subsection (b)—

7 (i) in paragraph (1)—

8 (I) by striking “~~National Re-~~
9 ~~sponse Plan~~” and inserting “~~National~~
10 ~~Response Framework, National Pro-~~
11 ~~tection Framework, National Preven-~~
12 ~~tion Framework, National Mitigation~~
13 ~~Framework, National Recovery~~
14 ~~Framework~~”;

15 (II) by striking “~~successor~~” and
16 inserting “~~successors~~”; and

17 (III) by striking “~~plan~~” at the
18 end of that paragraph and inserting
19 “~~framework~~”; and

20 (ii) in paragraph (2), by striking “~~Na-~~
21 ~~tional Response Plan~~” each place it ap-
22 pears and inserting “~~National Response~~
23 ~~Framework~~”; and

24 (B) in subsection (c)(1)—

25 (i) in subparagraph (A)—

1 (I) by striking “NATIONAL RE-
2 SPONSE PLAN” in the header and in-
3 serting “NATIONAL RESPONSE
4 FRAMEWORK”; and

5 (II) by striking “National Re-
6 sponse Plan” in the text and inserting
7 “National Response Framework”; and

8 (ii) in subparagraph (B), by striking
9 “National Response Plan” and inserting
10 “National Response Framework”;

11 (7) in section 510 (6 U.S.C. 320)—

12 (A) in subsection (a), by striking “enter
13 into a memorandum of understanding” and in-
14 serting “partner”;

15 (B) in subsection (b)(1)(A), by striking
16 “National Response Plan” and inserting “Na-
17 tional Response Framework”; and

18 (C) in subsection (c), by striking “National
19 Response Plan” and inserting “National Re-
20 sponse Framework”;

21 (8) in section 515(e)(1) (6 U.S.C. 321d(e)(1)),
22 by striking “and local” each place it appears and in-
23 serting “, local, and Tribal”;

24 (9) by striking section 524 (6 U.S.C. 321m);
25 and

1 (10) in section 525(a) (6 U.S.C. 321n), by
2 striking “Secretary” and inserting “Administrator”.

3 (b) ~~POST-KATRINA EMERGENCY MANAGEMENT RE-~~
4 ~~FORM ACT OF 2006.—~~

5 (1) ~~CITATION CORRECTION.—~~Section 602(13)
6 of the ~~Post-Katrina Emergency Management Reform~~
7 Act of 2006 (6 U.S.C. 701(13)) is amended by strik-
8 ing “502(a)(6)” and inserting “504(a)(6)”.

9 (2) ~~CHANGE OF REFERENCE.—~~Chapter 1 of
10 ~~subtitle C of title VI of the Post-Katrina Emergency~~
11 ~~Management Reform Act of 2006 (Public Law 109-~~
12 ~~295) is amended by striking “National Response~~
13 ~~Plan” each place it appears and inserting “National~~
14 ~~Response Framework”.~~

15 (c) ~~SAVINGS CLAUSE.—~~The amendments made by
16 subsection (a) to section 503(b)(2)(A) and paragraphs (3)
17 and (4) of section 504(a) of the Homeland Security Act
18 of 2002 shall not be construed as affecting the authority,
19 existing on the day before the date of enactment of this
20 division, of any other component of the Department of
21 Homeland Security or any other Federal department or
22 agency.

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the “De-*
 3 *partment of Homeland Security Authorization Act” or the*
 4 *“DHS Authorization Act”.*

5 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 6 *this Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—DEPARTMENT OF HOMELAND SECURITY HEADQUARTERS

Subtitle A—Headquarters Operations

Sec. 1101. Functions and components of Headquarters of Department of Home-
land Security.

Sec. 1102. Responsibilities and functions of Chief Privacy and FOIA Officer.

Sec. 1103. Responsibilities of Chief Financial Officer.

Sec. 1104. Chief Information Officer.

Sec. 1105. Quadrennial homeland security review.

Sec. 1106. Office of Strategy, Policy, and Plans.

Sec. 1107. Chief Procurement Officer.

Sec. 1108. Chief Security Officer.

Sec. 1109. Office of Inspector General.

Sec. 1110. Office for Civil Rights and Civil Liberties.

Sec. 1111. Science and technology.

Sec. 1112. Department of Homeland Security Rotation Program.

Sec. 1113. Future Years Homeland Security Program.

Sec. 1114. Field efficiencies plan.

Sec. 1115. Management.

Sec. 1116. Report to Congress on cost savings and efficiency.

Sec. 1117. Countering weapons of mass destruction office.

Sec. 1118. Activities related to international agreements; activities related to chil-
dren.

Sec. 1119. Canine detection research and development.

Subtitle B—Human Resources and Other Matters

Sec. 1131. Chief Human Capital Officer responsibilities.

Sec. 1132. Employee engagement and retention action plan.

Sec. 1133. Report discussing Secretary’s responsibilities, priorities, and an ac-
counting of the Department’s work regarding election infrastruc-
ture.

Sec. 1134. Policy, guidance, training, and communication regarding law enforce-
ment personnel.

Sec. 1135. Hack DHS bug bounty pilot program.

Sec. 1136. Cost savings enhancements.

Sec. 1137. Cybersecurity research and development projects.

Sec. 1138. Cybersecurity talent exchange.

Subtitle C—Other Matters

- Sec. 1141. Protection of personally identifiable information.*
Sec. 1142. Technical and conforming amendments.

**TITLE II—DEPARTMENT OF HOMELAND SECURITY ACQUISITION
 ACCOUNTABILITY AND EFFICIENCY**

- Sec. 1201. Definitions.*

Subtitle A—Acquisition Authorities

- Sec. 1211. Acquisition authorities for Under Secretary for Management of the Department of Homeland Security.*
Sec. 1212. Acquisition authorities for Chief Financial Officer of the Department of Homeland Security.
Sec. 1213. Acquisition authorities for Chief Information Officer of the Department of Homeland Security.
Sec. 1214. Acquisition authorities for Program Accountability and Risk Management.
Sec. 1215. Acquisition innovation.

Subtitle B—Acquisition Program Management Discipline

- Sec. 1221. Acquisition Review Board.*
Sec. 1222. Department leadership councils.
Sec. 1223. Excluded party list system waivers.
Sec. 1224. Inspector General oversight of suspension and debarment.
Sec. 1225. Suspension and debarment program and past performance.

*Subtitle C—Acquisition Program Management Accountability and
 Transparency*

- Sec. 1231. Congressional notification for major acquisition programs.*
Sec. 1232. Multiyear acquisition strategy.
Sec. 1233. Report on bid protests.
Sec. 1234. Prohibition and limitations on use of cost-plus contracts.
Sec. 1235. Bridge contracts.
Sec. 1236. Acquisition reports.

TITLE III—INTELLIGENCE AND INFORMATION SHARING

Subtitle A—Department of Homeland Security Intelligence Enterprise

- Sec. 1301. Homeland intelligence doctrine.*
Sec. 1302. Personnel for the Chief Intelligence Officer.
Sec. 1303. Annual homeland terrorist threat assessments.
Sec. 1304. Department of Homeland Security data framework.
Sec. 1305. Establishment of Insider Threat Program.
Sec. 1306. Report on applications and threats of blockchain technology.
Sec. 1307. Transnational criminal organizations threat assessment.
Sec. 1308. Department of Homeland Security Counter Threats Advisory Board.
Sec. 1309. Briefing on pharmaceutical-based agent threats.

Subtitle B—Stakeholder Information Sharing

- Sec. 1311. Department of Homeland Security Fusion Center Partnership Initiative.*

- Sec. 1312. Fusion center personnel needs assessment.*
- Sec. 1313. Strategy for fusion centers supporting counternarcotics initiatives through intelligence information sharing and analysis.*
- Sec. 1314. Program for State and local analyst clearances.*
- Sec. 1315. Information technology assessment.*
- Sec. 1316. Department of Homeland Security classified facility inventory.*
- Sec. 1317. Terror inmate information sharing.*
- Sec. 1318. Annual report on Office for State and Local Law Enforcement.*
- Sec. 1319. Annual catalog on Department of Homeland Security training, publications, programs, and services for State, local, tribal, and territorial law enforcement agencies.*
- Sec. 1320. Chemical, biological, radiological, and nuclear intelligence and information sharing.*
- Sec. 1321. Duty to report.*
- Sec. 1322. Strategy for information sharing regarding narcotics trafficking in international mail.*
- Sec. 1323. Constitutional limitations.*

**TITLE IV—EMERGENCY PREPAREDNESS, RESPONSE, AND
COMMUNICATIONS**

Subtitle A—Grants, Training, Exercises, and Coordination

- Sec. 1401. Urban Area Security Initiative.*
- Sec. 1402. State Homeland Security Grant Program.*
- Sec. 1403. Grants to directly eligible tribes.*
- Sec. 1404. Law enforcement terrorism prevention.*
- Sec. 1405. Prioritization.*
- Sec. 1406. Allowable uses.*
- Sec. 1407. Approval of certain equipment.*
- Sec. 1408. Authority for explosive ordnance disposal units to acquire new or emerging technologies and capabilities.*
- Sec. 1409. Memoranda of understanding.*
- Sec. 1410. Grants metrics.*
- Sec. 1411. Grant management best practices.*
- Sec. 1412. Prohibition on consolidation.*
- Sec. 1413. Maintenance of grant investments.*
- Sec. 1414. Transit security grant program.*
- Sec. 1415. Port security grant program.*
- Sec. 1416. Cyber preparedness.*
- Sec. 1417. Operation Stonegarden.*
- Sec. 1418. Non-Profit Security Grant Program.*
- Sec. 1419. Study of the use of grant funds for cybersecurity.*
- Sec. 1420. Joint counterterrorism awareness workshop series.*
- Sec. 1421. Exercise on terrorist and foreign fighter travel; national exercise program.*
- Sec. 1422. Grants accountability.*

Subtitle B—Communications

- Sec. 1431. Responsibilities of Assistant Director for Emergency Communications.*
- Sec. 1432. Annual reporting on activities of the Emergency Communications Division.*
- Sec. 1433. National Emergency Communications Plan.*
- Sec. 1434. Technical edit.*
- Sec. 1435. Communications training.*

Subtitle C—Other Matters

Sec. 1451. Technical and conforming amendments.

TITLE V—FEDERAL EMERGENCY MANAGEMENT AGENCY

Sec. 1501. Short title.

Sec. 1502. Reauthorization of Federal Emergency Management Agency.

Sec. 1503. National Domestic Preparedness Consortium.

Sec. 1504. Rural Domestic Preparedness Consortium.

Sec. 1505. Center for Faith-Based and Neighborhood Partnerships.

Sec. 1506. Emergency support functions.

Sec. 1507. Review of National Incident Management System.

Sec. 1508. Remedial action management program.

Sec. 1509. Center for Domestic Preparedness.

Sec. 1510. FEMA Senior Law Enforcement Advisor.

Sec. 1511. Technical expert authorized.

Sec. 1512. Mission support.

Sec. 1513. Strategic human capital plan.

Sec. 1514. Office of Disability Integration and Coordination of Department of Homeland Security.

Sec. 1515. Management costs.

Sec. 1516. Performance of services.

Sec. 1517. Study to streamline and consolidate information collection.

Sec. 1518. Agency accountability.

Sec. 1519. National public infrastructure predisaster hazard mitigation.

Sec. 1520. Technical amendments to national emergency management.

Sec. 1521. Integrated public alert and warning system subcommittee.

TITLE VI—CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

Sec. 1601. Cybersecurity and Infrastructure Security Agency.

Sec. 1602. Transfer of other entities.

Sec. 1603. DHS report on cloud-based cybersecurity.

Sec. 1604. Rule of construction.

Sec. 1605. Prohibition on additional funding.

*TITLE VII—OTHER MATTERS**Subtitle A—Miscellaneous*

Sec. 1701. Authorization of appropriations for Office of Inspector General.

Sec. 1702. Canine teams.

Sec. 1703. Report on resource requirements to respond to congressional requests.

Sec. 1704. Report on cooperation with the People's Republic of China to combat illicit opioid shipments.

Subtitle B—Commission to Review the Congressional Oversight of the Department of Homeland Security

Sec. 1711. Short title.

Sec. 1712. Establishment.

Sec. 1713. Members of the Commission.

Sec. 1714. Duties of the Commission.

Sec. 1715. Operation and powers of the Commission.

Sec. 1716. Funding.

Sec. 1717. Personnel.

Sec. 1718. Termination.

Subtitle C—Technical and Conforming Amendments

Sec. 1731. Technical amendments to the Homeland Security Act of 2002.

1 **TITLE I—DEPARTMENT OF**
 2 **HOMELAND SECURITY HEAD-**
 3 **QUARTERS**

4 **Subtitle A—Headquarters**
 5 **Operations**

6 **SEC. 1101. FUNCTIONS AND COMPONENTS OF HEAD-**
 7 **QUARTERS OF DEPARTMENT OF HOMELAND**
 8 **SECURITY.**

9 *(a) IN GENERAL.—Section 102 of the Homeland Secu-*
 10 *rity Act of 2002 (6 U.S.C. 112) is amended—*

11 *(1) in subsection (c), in the matter preceding*
 12 *paragraph (1), by striking “through the Office of*
 13 *State and Local Coordination (established under sec-*
 14 *tion 801)” and inserting “through the Office of Part-*
 15 *nership and Engagement”; and*

16 *(2) by adding at the end the following:*

17 *“(h) HEADQUARTERS.—*

18 *“(1) IN GENERAL.—There is in the Department*
 19 *a Headquarters.*

20 *“(2) COMPONENTS.—The Department Head-*
 21 *quarters shall include each of the following:*

22 *“(A) The Office of the Secretary, which shall*
 23 *include—*

1 “(i) the Deputy Secretary;

2 “(ii) the Chief of Staff; and

3 “(iii) the Executive Secretary.

4 “(B) The Management Directorate, includ-
5 ing the Office of the Chief Financial Officer.

6 “(C) The Science and Technology Direc-
7 torate.

8 “(D) The Office of Strategy, Policy, and
9 Plans.

10 “(E) The Office of the General Counsel.

11 “(F) The Office of the Chief Privacy and
12 FOIA Officer.

13 “(G) The Office for Civil Rights and Civil
14 Liberties.

15 “(H) The Office of Operations Coordina-
16 tion.

17 “(I) The Office of Intelligence and Analysis.

18 “(J) The Office of Legislative Affairs.

19 “(K) The Office of Public Affairs.

20 “(L) The Office of the Inspector General.

21 “(M) The Office of the Citizenship and Im-
22 migration Services Ombudsman.

23 “(N) The Countering Weapons of Mass De-
24 struction Office.

1 “(O) *The Office of Partnership and Engage-*
2 *ment.*”.

3 (b) *CONFORMING AMENDMENTS RELATING TO ASSIST-*
4 *ANT SECRETARIES.*—*Section 103(a) of the Homeland Secu-*
5 *riety Act of 2002 (6 U.S.C. 113(a)) is amended—*

6 (1) *in the subsection heading, by inserting “; AS-*
7 *SISTANT SECRETARIES AND OTHER OFFICERS” after*
8 *“UNDER SECRETARIES”;*

9 (2) *in paragraph (1), by amending subpara-*
10 *graph (I) to read as follows:*

11 “(I) *An Administrator of the Transpor-*
12 *tation Security Administration.*”;

13 (3) *by amending paragraph (2) to read as fol-*
14 *lows:*

15 “(2) *ASSISTANT SECRETARIES.*—*The following*
16 *Assistant Secretaries shall be appointed by the Presi-*
17 *dent or the Secretary, as the case may be, without the*
18 *advice and consent of the Senate:*

19 “(A) *PRESIDENTIAL APPOINTMENTS.*—*The*
20 *Department shall have the following Assistant*
21 *Secretaries appointed by the President:*

22 “(i) *The Assistant Secretary for Public*
23 *Affairs.*

24 “(ii) *The Assistant Secretary for Legis-*
25 *lative Affairs.*

1 “(iii) *The Assistant Secretary for the*
2 *Countering Weapons of Mass Destruction*
3 *Office.*

4 “(iv) *The Chief Medical Officer.*

5 “(B) *SECRETARIAL APPOINTMENTS.—The*
6 *Department shall have the following Assistant*
7 *Secretaries appointed by the Secretary:*

8 “(i) *The Assistant Secretary for Inter-*
9 *national Affairs.*

10 “(ii) *The Assistant Secretary for*
11 *Threat Prevention and Security Policy.*

12 “(iii) *The Assistant Secretary for Bor-*
13 *der, Immigration, and Trade Policy.*

14 “(iv) *The Assistant Secretary for Cy-*
15 *bersecurity, Infrastructure, and Resilience*
16 *Policy.*

17 “(v) *The Assistant Secretary for Strat-*
18 *egy, Planning, Analysis, and Risk.*

19 “(vi) *The Assistant Secretary for State*
20 *and Local Law Enforcement.*

21 “(vii) *The Assistant Secretary for*
22 *Partnership and Engagement.*

23 “(viii) *The Assistant Secretary for Pri-*
24 *vate Sector.”; and*

25 (4) *by adding at the end the following:*

1 “(3) *LIMITATION ON CREATION OF POSITIONS.*—
2 *No Assistant Secretary position may be created in ad-*
3 *dition to the positions provided for by this section un-*
4 *less such position is authorized by a statute enacted*
5 *after the date of the enactment of the DHS Authoriza-*
6 *tion Act.*”.

7 **SEC. 1102. RESPONSIBILITIES AND FUNCTIONS OF CHIEF**
8 **PRIVACY AND FOIA OFFICER.**

9 *Section 222(a) of the Homeland Security Act of 2002*
10 *(6 U.S.C. 142(a)) is amended—*

11 (1) *in the matter preceding paragraph (1)—*

12 (A) *by inserting “to be the Chief Privacy*
13 *and FOIA Officer of the Department,” after “in*
14 *the Department,”; and*

15 (B) *by striking “to the Secretary, to as-*
16 *sume” and inserting “to the Secretary. Such offi-*
17 *cial shall have”;*

18 (2) *in paragraph (5)(B), by striking “and” at*
19 *the end;*

20 (3) *by striking paragraph (6); and*

21 (4) *by inserting after paragraph (5) the fol-*
22 *lowing:*

23 “(6) *developing guidance to assist components of*
24 *the Department in developing privacy policies and*
25 *practices;*

1 “(7) *establishing a mechanism to ensure such*
2 *components are in compliance with Federal regu-*
3 *latory and statutory and Department privacy re-*
4 *quirements, mandates, directives, and policies, includ-*
5 *ing requirements under section 552 of title 5, United*
6 *States Code (commonly known as the ‘Freedom of In-*
7 *formation Act’);*

8 “(8) *working with components and offices of the*
9 *Department to ensure that information sharing and*
10 *policy development activities incorporate privacy pro-*
11 *tections;*

12 “(9) *serving as the Chief FOIA Officer of the De-*
13 *partment for purposes of section 552(j) of title 5,*
14 *United States Code (commonly known as the ‘Free-*
15 *dom of Information Act’);*

16 “(10) *preparing an annual report to Congress*
17 *that includes a description of the activities of the De-*
18 *partment that affect privacy during the fiscal year*
19 *covered by the report, including complaints of privacy*
20 *violations, implementation of section 552a of title 5,*
21 *United States Code (commonly known as the ‘Privacy*
22 *Act of 1974’), internal controls, and other matters;*
23 *and*

1 “(11) carrying out such other responsibilities as
2 the Secretary determines are appropriate, consistent
3 with this section.”.

4 **SEC. 1103. RESPONSIBILITIES OF CHIEF FINANCIAL OFFI-**
5 **CER.**

6 (a) *IN GENERAL.*—Section 702 of the Homeland Secu-
7 rity Act of 2002 (6 U.S.C. 342) is amended—

8 (1) by redesignating subsections (b) and (c) as
9 subsections (c) and (d), respectively; and

10 (2) by inserting after subsection (a) the fol-
11 lowing:

12 “(b) *RESPONSIBILITIES.*—In carrying out the respon-
13 sibilities, authorities, and functions specified in section 902
14 of title 31, United States Code, the Chief Financial Officer
15 shall—

16 “(1) oversee Department budget formulation and
17 execution;

18 “(2) lead and provide guidance on performance-
19 based budgeting practices for the Department to en-
20 sure that the Department and its components are
21 meeting missions and goals;

22 “(3) lead cost-estimating practices for the De-
23 partment, including the development of policies on
24 cost estimating and approval of life cycle cost esti-
25 mates;

1 “(4) coordinate with the Office of Strategy, Pol-
2 icy, and Plans to ensure that the development of the
3 budget for the Department is compatible with the
4 long-term strategic plans, priorities, and policies of
5 the Secretary;

6 “(5) develop financial management policy for the
7 Department and oversee the implementation of such
8 policy, including the establishment of effective inter-
9 nal controls over financial reporting systems and
10 processes throughout the Department;

11 “(6) lead financial system modernization efforts
12 throughout the Department;

13 “(7) lead the efforts of the Department related to
14 financial oversight, including identifying ways to
15 streamline and standardize business processes;

16 “(8) oversee the costs of acquisition programs
17 and related activities to ensure that actual and
18 planned costs are in accordance with budget estimates
19 and are affordable, or can be adequately funded, over
20 the lifecycle of such programs and activities;

21 “(9) fully implement a common accounting
22 structure to be used across the entire Department by
23 fiscal year 2020;

1 “(10) participate in the selection, performance
2 planning, and review of cost estimating positions
3 with the Department;

4 “(11) track, approve, oversee, and make public
5 information on expenditures by components of the De-
6 partment for conferences, as appropriate, including
7 by requiring each component to—

8 “(A) report to the Inspector General of the
9 Department the expenditures by such component
10 for each conference hosted for which the total ex-
11 penditures of the Department exceed \$100,000,
12 within 15 days after the date of the conference;
13 and

14 “(B) with respect to such expenditures, pro-
15 vide to the Inspector General—

16 “(i) the information described in sub-
17 sections (a), (b), and (c) of section 739 of
18 title VII of division E of the Consolidated
19 and Further Continuing Appropriations
20 Act, 2015 (Public Law 113–235; 128 Stat.
21 2389); and

22 “(ii) documentation of such expendi-
23 tures; and

24 “(12) track and make public information on ex-
25 penditures by components of the Department for con-

1 *ferences, as appropriate, including by requiring each*
2 *component to—*

3 *“(A) report to the Inspector General of the*
4 *Department the expenditures by such component*
5 *for each conference hosted or attended by Depart-*
6 *ment employees for which the total expenditures*
7 *of the Department are more than \$20,000 and*
8 *less than \$100,000, not later than 30 days after*
9 *the date of the conference; and*

10 *“(B) with respect to such expenditures, pro-*
11 *vide to the Inspector General—*

12 *“(i) the information described in sub-*
13 *sections (a), (b), and (c) of section 739 of*
14 *title VII of division E of the Consolidated*
15 *and Further Continuing Appropriations*
16 *Act, 2015 (Public Law 113–235; 128 Stat.*
17 *2389); and*

18 *“(ii) documentation of such expendi-*
19 *tures.”.*

20 *(b) RULE OF CONSTRUCTION.—Nothing in the amend-*
21 *ment made by this section may be construed as altering*
22 *or amending the responsibilities, authorities, and functions*
23 *of the Chief Financial Officer of the Department of Home-*
24 *land Security under section 902 of title 31, United States*
25 *Code.*

1 **SEC. 1104. CHIEF INFORMATION OFFICER.**

2 (a) *IN GENERAL.*—Section 703 of the Homeland Security Act of 2002 (6 U.S.C. 343) is amended—

4 (1) *in subsection (a)*—

5 (A) *by striking “, or to another official of*
6 *the Department, as the Secretary may direct”;*
7 *and*

8 (B) *by adding at the end the following: “In*
9 *addition to the functions under section*
10 *3506(a)(2) of title 44, United States Code, and*
11 *section 11319 of title 40, United States Code, the*
12 *Chief Information Officer shall—*

13 *“(1) serve as the lead technical authority for in-*
14 *formation technology programs of the Department*
15 *and components of the Department; and*

16 *“(2) advise and assist the Secretary, heads of the*
17 *components of the Department, and other senior offi-*
18 *cers in carrying out the responsibilities of the Depart-*
19 *ment for all activities relating to the budgets, pro-*
20 *grams, security, and operations of the information*
21 *technology functions of the Department.”;*

22 (2) *by redesignating subsection (b) as subsection*
23 *(c); and*

24 (3) *by inserting after subsection (a) the fol-*
25 *lowing:*

26 *“(b) STRATEGIC PLANS.—*

1 “(1) *IN GENERAL.*—*The Chief Information Offi-*
2 *cer shall, in coordination with the Chief Financial*
3 *Officer, develop an information technology strategic*
4 *plan every 5 years and report to the Committee on*
5 *Homeland Security and the Committee on Appro-*
6 *propriations of the House of Representatives and the*
7 *Committee on Homeland Security and Governmental*
8 *Affairs and the Committee on Appropriations of the*
9 *Senate on the extent to which—*

10 “(A) *the budget of the Department aligns*
11 *with priorities specified in the information tech-*
12 *nology strategic plan;*

13 “(B) *the information technology strategic*
14 *plan informs the budget process of the Depart-*
15 *ment;*

16 “(C) *the Department has identified and ad-*
17 *ressed skills gaps needed to implement the in-*
18 *formation technology strategic plan;*

19 “(D) *unnecessary duplicative information*
20 *technology within and across the components of*
21 *the Department has been eliminated;*

22 “(E) *outcome-oriented goals, quantifiable*
23 *performance measures, and strategies for achiev-*
24 *ing those goals and measures have succeeded; and*

1 “(F) *internal control weaknesses and how*
2 *the Department will address those weaknesses.*”

3 “(2) *INITIAL PLAN.—Not later than 1 year after*
4 *the date of enactment of this subsection, the Chief In-*
5 *formation Officer shall complete the first information*
6 *technology strategic plan required under paragraph*
7 *(1).”.*”

8 (b) *SOFTWARE LICENSING.—*

9 (1) *IN GENERAL.—Not later than 1 year after*
10 *the date of enactment of this Act and each year there-*
11 *after through fiscal year 2021, the Chief Information*
12 *Officer of the Department of Homeland Security shall*
13 *submit the comprehensive software license policy de-*
14 *veloped to meet the requirements of section 2 of the*
15 *MEGABYTE Act of 2016 (40 U.S.C. 11302 note), in-*
16 *cluding any updates provided to the Director of the*
17 *Office of Management and Budget, to—*

18 (A) *the Committee on Homeland Security*
19 *and the Committee of Oversight and Government*
20 *Reform of the House of Representatives; and*

21 (B) *the Committee on Homeland Security*
22 *and Governmental Affairs of the Senate.*

23 (2) *DEPARTMENT INVENTORY.—Beginning in fis-*
24 *cal year 2022, and once every 2 fiscal years there-*
25 *after, the Chief Information Officer of the Department*

1 of Homeland Security, in consultation with the com-
2 ponent chief information officers, shall submit to the
3 Committee on Homeland Security and the Committee
4 on Oversight and Government Reform of the House of
5 Representatives and the Committee on Homeland Se-
6 curity and Governmental Affairs of the Senate a re-
7 port containing—

8 (A) a department-wide inventory of all soft-
9 ware licenses held by the Department of Home-
10 land Security on unclassified and classified sys-
11 tems, including utilized and unutilized licenses;

12 (B) an assessment of the needs of the De-
13 partment of Homeland Security and the compo-
14 nents of the Department of Homeland Security
15 for software licenses for the subsequent 2 fiscal
16 years;

17 (C) an explanation as to how the use of
18 shared cloud-computing services or other new
19 technologies will impact the needs for software li-
20 censes for the subsequent 2 fiscal years; and

21 (D) plans and estimated costs for elimi-
22 nating unutilized software licenses for the subse-
23 quent 2 fiscal years; and

1 (E) a plan to expedite licensing of software
2 developed for the Department of Homeland Secu-
3 rity to the private sector.

4 (3) *PLAN TO REDUCE SOFTWARE LICENSES.*—If
5 the Chief Information Officer of the Department of
6 Homeland Security determines through the inventory
7 conducted under paragraph (2) that the number of
8 software licenses held by the Department of Homeland
9 Security and the components of the Department of
10 Homeland Security exceeds the needs of the Depart-
11 ment of Homeland Security, not later than 90 days
12 after the date on which the inventory is completed, the
13 Secretary of Homeland Security shall establish a plan
14 for reducing the number of such software licenses to
15 meet needs of the Department of Homeland Security.

16 (c) *COMPTROLLER GENERAL REVIEW.*—Not later than
17 the end of fiscal year 2019, the Comptroller General of the
18 United States shall review the extent to which the Chief In-
19 formation Officer of the Department of Homeland Security
20 fulfilled all requirements established in this section and the
21 amendments made by this section.

22 **SEC. 1105. QUADRENNIAL HOMELAND SECURITY REVIEW.**

23 (a) *IN GENERAL.*—Section 706 of the Homeland Secu-
24 rity Act of 2002, as so redesignated by section 1142 of this
25 Act, is amended—

1 (1) *in subsection (a)(3)—*

2 (A) *in subparagraph (B), by striking “and”*
3 *at the end;*

4 (B) *by redesignating subparagraph (C) as*
5 *subparagraph (D); and*

6 (C) *by inserting after subparagraph (B) the*
7 *following:*

8 “*(C) representatives from appropriate advi-*
9 *sory committees established pursuant to section*
10 *871, including the Homeland Security Advisory*
11 *Council and the Homeland Security Science and*
12 *Technology Advisory Committee, or otherwise es-*
13 *tablished, including the Aviation Security Advi-*
14 *sory Committee established pursuant to section*
15 *44946 of title 49, United States Code; and”;*

16 (2) *in subsection (b)—*

17 (A) *in paragraph (2), by inserting before*
18 *the semicolon at the end the following: “based on*
19 *the risk assessment required pursuant to sub-*
20 *section (c)(2)(B)”;*

21 (B) *in paragraph (3)—*

22 (i) *by inserting “, to the extent prac-*
23 *ticable,” after “describe”; and*

24 (ii) *by striking “budget plan” and in-*
25 *serting “resources required”;*

1 (C) in paragraph (4)—

2 (i) by inserting “, to the extent prac-
3 ticable,” after “identify”;

4 (ii) by striking “budget plan required
5 to provide sufficient resources to success-
6 fully” and inserting “resources required to”;
7 and

8 (iii) by striking the semicolon at the
9 end and inserting “, including any re-
10 sources identified from redundant, wasteful,
11 or unnecessary capabilities and capacities
12 that can be redirected to better support
13 other existing capabilities and capacities, as
14 the case may be; and”;

15 (D) in paragraph (5), by striking “; and”
16 and inserting a period; and

17 (E) by striking paragraph (6);

18 (3) in subsection (c)—

19 (A) in paragraph (1), by striking “Decem-
20 ber 31” and inserting “September 30”;

21 (B) in paragraph (2)—

22 (i) in subparagraph (B), by striking
23 “description of the threats to” and inserting
24 “risk assessment of”;

1 (ii) in subparagraph (C), by inserting
2 “, as required under subsection (b)(2)” be-
3 fore the semicolon at the end;

4 (iii) in subparagraph (D)—

5 (I) by inserting “to the extent
6 practicable,” before “a description”;
7 and

8 (II) by striking “budget plan”
9 and inserting “resources required”;

10 (iv) in subparagraph (F)—

11 (I) by inserting “to the extent
12 practicable,” before “a discussion”; and

13 (II) by striking “the status of”;

14 (v) in subparagraph (G)—

15 (I) by inserting “to the extent
16 practicable,” before “a discussion”;

17 (II) by striking “the status of”;

18 (III) by inserting “and risks” be-
19 fore “to national homeland”; and

20 (IV) by inserting “and” after the
21 semicolon at the end;

22 (vi) by striking subparagraph (H);

23 and

24 (vii) by redesignating subparagraph
25 (I) as subparagraph (H);

1 (C) by redesignating paragraph (3) as
2 paragraph (4); and

3 (D) by inserting after paragraph (2) the fol-
4 lowing:

5 “(3) *DOCUMENTATION.*—*The Secretary shall re-*
6 *tain, from each quadrennial homeland security re-*
7 *view, all information regarding the risk assessment,*
8 *as required under subsection (c)(2)(B), including—*

9 “(A) *the risk model utilized to generate the*
10 *risk assessment;*

11 “(B) *information, including data used in*
12 *the risk model, utilized to generate the risk as-*
13 *essment; and*

14 “(C) *sources of information, including other*
15 *risk assessments, utilized to generate the risk as-*
16 *essment.”;*

17 (4) by redesignating subsection (d) as subsection
18 (e); and

19 (5) by inserting after subsection (c) the fol-
20 lowing:

21 “(d) *REVIEW.*—*Not later than 90 days after the sub-*
22 *mission of each report required under subsection (c)(1), the*
23 *Secretary shall provide to the Committee on Homeland Se-*
24 *curity of the House of Representatives and the Committee*
25 *on Homeland Security and Governmental Affairs of the*

1 *Senate information on the degree to which the findings and*
2 *recommendations developed in the quadrennial homeland*
3 *security review covered by the report were integrated into*
4 *the acquisition strategy and expenditure plans for the De-*
5 *partment.”.*

6 (b) *EFFECTIVE DATE.*—*The amendments made by this*
7 *section shall apply with respect to a quadrennial homeland*
8 *security review conducted under section 706 of the Home-*
9 *land Security Act of 2002, as so redesignated, after Decem-*
10 *ber 31, 2017.*

11 **SEC. 1106. OFFICE OF STRATEGY, POLICY, AND PLANS.**

12 (a) *ABOLISHMENT OF OFFICE OF INTERNATIONAL AF-*
13 *FAIRS.*—

14 (1) *IN GENERAL.*—*The Office of International*
15 *Affairs within the Office of the Secretary of Home-*
16 *land Security is abolished.*

17 (2) *TRANSFER OF ASSETS AND PERSONNEL.*—
18 *The functions authorized to be performed by the office*
19 *described in paragraph (1) as of the day before the*
20 *date of enactment of this Act, and the assets and per-*
21 *sonnel associated with such functions, are transferred*
22 *to the Under Secretary for Strategy, Policy, and*
23 *Plans of the Department of Homeland Security under*
24 *section 708 of the Homeland Security Act of 2002, as*
25 *so redesignated by section 1142 of this Act.*

1 (3) *CONFORMING AMENDMENTS.*—*The Homeland*
2 *Security Act of 2002 (6 U.S.C. 101 et seq.) is amend-*
3 *ed—*

4 (A) *in section 317(b) (6 U.S.C. 195c(b))—*

5 (i) *in paragraph (2)(A), by striking “,*
6 *in consultation with the Assistant Secretary*
7 *for International Affairs,”; and*

8 (ii) *in paragraph (4), by striking “the*
9 *Office of International Affairs and”;* and

10 (B) *by striking section 879 (6 U.S.C. 459).*

11 (4) *CLERICAL AMENDMENT.*—*The table of con-*
12 *tents in section 1(b) of the Homeland Security Act of*
13 *2002 (Public Law 107–296; 116 Stat. 2135) is*
14 *amended by striking the item relating to section 879.*

15 (b) *HOMELAND SECURITY ADVISORY COUNCIL.*—*Sec-*
16 *tion 102(b) of the Homeland Security Act of 2002 (6 U.S.C.*
17 *112(b)) is amended—*

18 (1) *in paragraph (2), by striking “and” at the*
19 *end;*

20 (2) *in paragraph (3), by striking the period at*
21 *the end and inserting “; and”;* and

22 (3) *by adding at the end the following:*

23 “(4) *shall establish a Homeland Security Advi-*
24 *sory Council to provide advice and recommendations*
25 *on homeland security-related matters, including ad-*

1 *vice with respect to the preparation of the quadren-*
2 *ennial homeland security review under section 706.”.*

3 (c) *OFFICE OF LEGISLATIVE AFFAIRS.*—Section 103 of
4 *the Homeland Security Act of 2002 (6 U.S.C. 113) is*
5 *amended by adding at the end the following:*

6 “(h) *OFFICE OF LEGISLATIVE AFFAIRS.*—

7 “(1) *IN GENERAL.*—Notwithstanding any other
8 *provision of law, any report that the Department or*
9 *a component of the Department is required to submit*
10 *to the Committee on Appropriations of the Senate or*
11 *the Committee on Appropriations of the House of*
12 *Representatives under any provision of law shall be*
13 *submitted concurrently to the Committee on Home-*
14 *land Security and Governmental Affairs of the Senate*
15 *and the Committee on Homeland Security of the*
16 *House of Representatives.*

17 “(2) *APPLICABILITY.*—Paragraph (1) shall apply
18 *with respect to any report described in paragraph (1)*
19 *that is submitted on or after the date of enactment of*
20 *the DHS Authorization Act.*

21 “(3) *NOTICE.*—The Secretary shall notify, in
22 *writing, the chairmen and ranking members of the*
23 *authorizing and appropriating committees of juris-*
24 *isdiction regarding policy memoranda, management di-*

1 *rectives, and reprogramming notifications issued by*
2 *the Department.”.*

3 *(d) OFFICE OF PRIVATE SECTOR.—*

4 *(1) IN GENERAL.—Section 103 of the Homeland*
5 *Security Act of 2002 (6 U.S.C. 113), as amended, is*
6 *amended by adding at the end the following:*

7 *“(i) OFFICE OF PRIVATE SECTOR.—The Assistant Sec-*
8 *retary for Private Sector shall be responsible for—*

9 *“(1) creating and fostering strategic communica-*
10 *tions with the private sector to enhance the primary*
11 *mission of the Department to protect the American*
12 *homeland;*

13 *“(2) advising the Secretary on the impact of the*
14 *Department’s policies, regulations, processes, and ac-*
15 *tions on the private sector;*

16 *“(3) interfacing with other relevant Federal*
17 *agencies with homeland security missions to assess the*
18 *impact of these agencies’ actions on the private sector;*

19 *“(4) creating and managing private sector advi-*
20 *sory councils composed of representatives of industries*
21 *and associations designated by the Secretary to—*

22 *“(A) advise the Secretary on private sector*
23 *products, applications, and solutions as they re-*
24 *late to homeland security challenges; and*

1 “(B) advise the Secretary on homeland se-
2 curity policies, regulations, processes, and ac-
3 tions that affect the participating industries and
4 associations;

5 “(5) working with Federal laboratories, federally
6 funded research and development centers, other feder-
7 ally funded organizations, academia, and the private
8 sector to develop innovative approaches to address
9 homeland security challenges to produce and deploy
10 the best available technologies for homeland security
11 missions;

12 “(6) promoting existing public-private partner-
13 ships and developing new public-private partnerships
14 to provide for collaboration and mutual support to
15 address homeland security challenges; and

16 “(7) assisting in the development and promotion
17 of private sector best practices to secure critical infra-
18 structure.”.

19 (2) *CONFORMING AMENDMENT.*—Section 102(f)
20 of the Homeland Security Act of 2002 (6 U.S.C.
21 112(f)) is amended—

22 (A) by striking paragraphs (1) through (7);
23 and

1 (B) by redesignating paragraphs (8), (9),
2 (10), and (11) as paragraphs (1), (2), (3), and
3 (4), respectively.

4 (e) *DEFINITIONS.*—In this section each of the terms
5 “assets”, “functions”, and “personnel” have the meanings
6 given those terms under section 2 of the Homeland Security
7 Act of 2002 (6 U.S.C. 101).

8 (f) *DUPLICATION REVIEW.*—

9 (1) *REVIEW REQUIRED.*—Not later than 1 year
10 after the date of enactment of this Act, the Secretary
11 of Homeland Security shall complete a review of the
12 functions and responsibilities of each Department of
13 Homeland Security component responsible for inter-
14 national affairs to identify and eliminate areas of
15 unnecessary duplication.

16 (2) *SUBMISSION TO CONGRESS.*—Not later than
17 30 days after the completion of the review required
18 under paragraph (1), the Secretary of Homeland Se-
19 curity shall provide the results of the review to the
20 Committee on Homeland Security of the House of
21 Representatives and the Committee on Homeland Se-
22 curity and Governmental Affairs of the Senate.

23 (3) *ACTION PLAN.*—Not later than 1 year after
24 the date of enactment of this Act, the Secretary of
25 Homeland Security shall submit to the congressional

1 *homeland security committees, as defined in section 2*
2 *of the Homeland Security Act of 2002 (6 U.S.C. 101,*
3 *as amended by this Act, an action plan, including*
4 *corrective steps and an estimated date of completion,*
5 *to address areas of duplication, fragmentation, and*
6 *overlap and opportunities for cost savings and rev-*
7 *enue enhancement, as identified by the Government*
8 *Accountability Office based on the annual report of*
9 *the Government Accountability Office entitled “Addi-*
10 *tional Opportunities to Reduce Fragmentation, Over-*
11 *lap, and Duplication and Achieve Other Financial*
12 *Benefits”.*

13 **SEC. 1107. CHIEF PROCUREMENT OFFICER.**

14 *(a) IN GENERAL.—Title VII of the Homeland Security*
15 *Act of 2002 (6 U.S.C. 341 et seq.), as amended by section*
16 *1142, is amended by adding at the end the following:*

17 **“SEC. 709. CHIEF PROCUREMENT OFFICER.**

18 *“(a) IN GENERAL.—There is in the Department a*
19 *Chief Procurement Officer, who shall serve as a senior busi-*
20 *ness advisor to agency officials on procurement-related mat-*
21 *ters and report directly to the Under Secretary for Manage-*
22 *ment. The Chief Procurement Officer is the senior procure-*
23 *ment executive for purposes of subsection (c) of section 1702*
24 *of title 41, United States Code, and shall perform procure-*
25 *ment functions as specified in such subsection.*

1 “(b) *RESPONSIBILITIES.*—*The Chief Procurement Offi-*
2 *cer shall—*

3 “(1) *delegate or retain contracting authority, as*
4 *appropriate;*

5 “(2) *issue procurement policies and oversee the*
6 *heads of contracting activity of the Department to en-*
7 *sure compliance with those policies;*

8 “(3) *serve as the main liaison of the Department*
9 *to industry on procurement-related issues;*

10 “(4) *account for the integrity, performance, and*
11 *oversight of Department procurement and contracting*
12 *functions;*

13 “(5) *ensure that procurement contracting strate-*
14 *gies and plans are consistent with the intent and di-*
15 *rection of the Acquisition Review Board;*

16 “(6) *oversee a centralized acquisition workforce*
17 *certification and training program using, as appro-*
18 *priate, existing best practices and acquisition train-*
19 *ing opportunities from the Federal Government, pri-*
20 *vate sector, or universities and colleges to include*
21 *training on how best to identify actions that warrant*
22 *referrals for suspension or debarment;*

23 “(7) *approve the selection and organizational*
24 *placement of each head of contracting activity within*
25 *the Department and participate in the periodic per-*

1 *formance reviews of each head of contracting activity*
2 *of the Department;*

3 *“(8) ensure that a fair proportion of the value*
4 *of Federal contracts and subcontracts are awarded to*
5 *small business concerns, as defined under section 3 of*
6 *the Small Business Act (15 U.S.C. 632), (in accord-*
7 *ance with the procurement contract goals under sec-*
8 *tion 15(g) of the Small Business Act (15 U.S.C.*
9 *644(g)), maximize opportunities for small business*
10 *participation in such contracts, and ensure, to the ex-*
11 *tent practicable, small business concerns that achieve*
12 *qualified vendor status for security-related tech-*
13 *nologies are provided an opportunity to compete for*
14 *contracts for such technology; and*

15 *“(9) carry out any other procurement duties that*
16 *the Under Secretary for Management may designate.*

17 *“(c) HEAD OF CONTRACTING ACTIVITY DEFINED.—In*
18 *this section the term ‘head of contracting activity’ means*
19 *an official who is delegated, by the Chief Procurement Offi-*
20 *cer and Senior Procurement Executive, the responsibility*
21 *for the creation, management, and oversight of a team of*
22 *procurement professionals properly trained, certified, and*
23 *warranted to accomplish the acquisition of products and*
24 *services on behalf of the designated components, offices, and*

1 *organizations of the Department, and as authorized, other*
2 *government entities.”.*

3 **(b) CLERICAL AMENDMENT.**—*The table of contents in*
4 *section 1(b) of the Homeland Security Act of 2002 (Public*
5 *Law 107–296; 116 Stat. 2135), as amended by section 1142,*
6 *is amended by inserting after the item relating to section*
7 *708 the following:*

“Sec. 709. Chief Procurement Officer.”.

8 **SEC. 1108. CHIEF SECURITY OFFICER.**

9 **(a) IN GENERAL.**—*Title VII of the Homeland Security*
10 *Act of 2002 (6 U.S.C. 341 et seq.), as amended by section*
11 *1107, is amended by adding at the end the following:*

12 **“SEC. 710. CHIEF SECURITY OFFICER.**

13 **“(a) IN GENERAL.**—*There is in the Department a*
14 *Chief Security Officer, who shall report directly to the*
15 *Under Secretary for Management.*

16 **“(b) RESPONSIBILITIES.**—*The Chief Security Officer*
17 *shall—*

18 **“(1) develop, implement, and oversee compliance**
19 *with the security policies, programs, and standards of*
20 *the Department;*

21 **“(2) participate in—**

22 **“(A) the selection and organizational place-**
23 *ment of each senior security official of a compo-*
24 *nent, and the deputy for each such official, and*

1 *any other senior executives responsible for secu-*
2 *rity-related matters; and*

3 “(B) *the periodic performance planning*
4 *and reviews;*

5 “(3) *identify training requirements, standards,*
6 *and oversight of education to Department personnel*
7 *on security-related matters;*

8 “(4) *develop security programmatic guidelines;*

9 “(5) *review contracts and interagency agree-*
10 *ments associated with major security investments*
11 *within the Department; and*

12 “(6) *provide support to Department components*
13 *on security-related matters.”.*

14 (b) **CLERICAL AMENDMENT.**—*The table of contents in*
15 *section 1(b) of the Homeland Security Act of 2002 (Public*
16 *Law 107–296; 116 Stat. 2135) is amended, as amended by*
17 *section 1107, by inserting after the item relating to section*
18 *709 the following:*

 “*Sec. 710. Chief Security Officer.*”.

19 **SEC. 1109. OFFICE OF INSPECTOR GENERAL.**

20 (a) **NOTIFICATION.**—*The heads of offices and compo-*
21 *nents of the Department of Homeland Security shall*
22 *promptly advise the Inspector General of the Department*
23 *of all allegations of misconduct with respect to which the*
24 *Inspector General has investigative authority under the In-*
25 *spector General Act of 1978 (5 U.S.C. App.).*

1 (b) *WAIVER.*—*The Inspector General may waive the*
2 *notification requirement under this section with respect to*
3 *any category or subset of allegations of misconduct.*

4 (c) *RULE OF CONSTRUCTION.*—*Nothing in this section*
5 *may be construed as affecting the authority of the Secretary*
6 *of Homeland Security under the Inspector General Act of*
7 *1978 (5 U.S.C. App.).*

8 **SEC. 1110. OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES.**

9 (a) *IN GENERAL.*—*Section 705 of the Homeland Secu-*
10 *riety Act of 2002 (6 U.S.C. 345) is amended—*

11 (1) *in the section heading, by striking “ESTAB-*
12 ***LISHMENT OF OFFICER FOR*”;**

13 (2) *in subsection (a)—*

14 (A) *in the matter preceding paragraph (1),*
15 *by striking “Officer for Civil Rights and Civil*
16 *Liberties” and inserting “Chief Civil Rights and*
17 *Civil Liberties Officer”; and*

18 (B) *in paragraph (2), by inserting “Chief”*
19 *before “Officer”;*

20 (3) *by redesignating subsection (b) as subsection*
21 *(d); and*

22 (4) *by inserting after subsection (a) the fol-*
23 *lowing:*

24 “(b) **OFFICE FOR CIVIL RIGHTS AND CIVIL LIB-**
25 **ERTIES.**—*There is in the Department an Office for Civil*

1 *Rights and Civil Liberties. Under the direction of the Chief*
2 *Civil Rights and Civil Liberties Officer, the Office shall*
3 *support the Chief Civil Rights and Civil Liberties Officer*
4 *in the following:*

5 “(1) *Integrating civil rights and civil liberties*
6 *into activities of the Department by conducting pro-*
7 *grams and providing policy advice and other tech-*
8 *nical assistance.*

9 “(2) *Investigating complaints and information*
10 *indicating possible abuses of civil rights or civil lib-*
11 *erties, unless the Inspector General of the Department*
12 *determines that any such complaint or information*
13 *should be investigated by the Inspector General.*

14 “(3) *Directing the Department’s equal employ-*
15 *ment opportunity and diversity policies and pro-*
16 *grams, including complaint management and adju-*
17 *ication.*

18 “(4) *Communicating with individuals and com-*
19 *munities whose civil rights and civil liberties may be*
20 *affected by Department activities.*

21 “(5) *Any other activities as assigned by the Chief*
22 *Civil Rights and Civil Liberties Officer.*

23 “(c) *COMPONENT CIVIL RIGHTS AND CIVIL LIBERTIES*
24 *OFFICERS.—*

1 “(1) *IN GENERAL.*—*In consultation with the*
2 *Chief Civil Rights and Civil Liberties Officer, the*
3 *head of each component of the Department shall ap-*
4 *point a senior-level Federal employee with experience*
5 *and background in civil rights and civil liberties as*
6 *the Civil Rights and Civil Liberties Officer for the*
7 *component.*

8 “(2) *RESPONSIBILITIES.*—*Each Civil Rights and*
9 *Civil Liberties Officer appointed under paragraph (1)*
10 *shall—*

11 “(A) *serve as the main point of contact for*
12 *the Chief Civil Rights and Civil Liberties Offi-*
13 *cer; and*

14 “(B) *coordinate with the Chief Civil Rights*
15 *and Civil Liberties Officer to oversee the integra-*
16 *tion of civil rights and civil liberties into the ac-*
17 *tivities of the component.”.*

18 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*
19 *table of contents in section 1(b) of the Homeland Security*
20 *Act of 2002 (Public Law 107–296; 116 Stat. 2135) is*
21 *amended by striking the item relating to section 705 and*
22 *inserting the following:*

 “*Sec. 705. Civil Rights and Civil Liberties.*”.

23 **SEC. 1111. SCIENCE AND TECHNOLOGY.**

24 (a) *RESPONSIBILITIES OF THE UNDER SECRETARY*
25 *FOR SCIENCE AND TECHNOLOGY.*—

1 (1) *DIRECTORATE FOR SCIENCE AND TECH-*
2 *NOLOGY.—Section 302 of the Homeland Security Act*
3 *of 2002 (6 U.S.C. 182) is amended—*

4 (A) *in the matter preceding paragraph (1),*
5 *by striking “The Secretary, acting through the*
6 *Under” and inserting “The Under”; and*

7 (B) *in paragraph (4), by striking “and*
8 *evaluation” and inserting “evaluation, and*
9 *standards coordination and development”.*

10 (2) *TECHNICAL AND CONFORMING AMEND-*
11 *MENT.—Section 315(a)(2)(A) of the Homeland Secu-*
12 *rity Act of 2002 (Public Law 107–296; 116 Stat.*
13 *2135) is amended by striking “Directorate of Science*
14 *and Technology and Homeland Security Advanced*
15 *Research Projects Agency” and inserting “Directorate*
16 *Science and Technology and the Chief Scientist”.*

17 (b) *OFFICE OF THE CHIEF SCIENTIST.—*

18 (1) *IN GENERAL.—Section 307 of the Homeland*
19 *Security Act of 2002 (6 U.S.C. 187) is amended—*

20 (A) *in the section heading, by striking*
21 **“HOMELAND SECURITY ADVANCED RE-**
22 **SEARCH PROJECTS AGENCY”** *and inserting*
23 **“OFFICE OF THE CHIEF SCIENTIST”;**

24 (B) *in subsection (a)—*

1 (i) by striking paragraphs (1) and (3);

2 and

3 (ii) by redesignating paragraphs (2)

4 and (4) as paragraphs (1) and (2), respec-

5 tively; and

6 (C) by striking subsections (b) and (c) and

7 inserting the following:

8 “(b) OFFICE OF THE CHIEF SCIENTIST.—

9 “(1) ESTABLISHMENT.—There is established the
10 Office of the Chief Scientist.

11 “(2) CHIEF SCIENTIST.—The Office of the Chief
12 Scientist shall be headed by a Chief Scientist, who
13 shall be appointed by the Secretary.

14 “(3) QUALIFICATIONS.—The Chief Scientist
15 shall—

16 “(A) be appointed from among distin-
17 guished scientists with specialized training or
18 significant experience in a field related to
19 counterterrorism, traditional homeland security
20 missions, or national defense; and

21 “(B) have earned an advanced degree at an
22 institution of higher education (as defined in sec-
23 tion 101 of the Higher Education Act of 1965
24 (20 U.S.C. 1001)).

1 “(4) *RESPONSIBILITIES.*—*The Chief Scientist*
2 *shall oversee all research and development to—*

3 “(A) *support basic and applied homeland*
4 *security research to promote revolutionary*
5 *changes in technologies that would promote*
6 *homeland security;*

7 “(B) *advance the development, testing and*
8 *evaluation, standards coordination and develop-*
9 *ment, and deployment of critical homeland secu-*
10 *rity technologies;*

11 “(C) *accelerate the prototyping and deploy-*
12 *ment of technologies that would address home-*
13 *land security vulnerabilities;*

14 “(D) *promote the award of competitive,*
15 *merit-reviewed grants, cooperative agreements or*
16 *contracts to public or private entities, including*
17 *business, federally funded research and develop-*
18 *ment centers, and universities; and*

19 “(E) *oversee research and development for*
20 *the purpose of advancing technology for the in-*
21 *vestigation of child exploitation crimes, includ-*
22 *ing child victim identification, trafficking in*
23 *persons, and child pornography, and for ad-*
24 *vanced forensics.*

1 “(5) *COORDINATION.*—*The Chief Scientist shall*
2 *ensure that the activities of the Directorate for Test-*
3 *ing and Evaluation of Science and Technology are co-*
4 *ordinated with those of other relevant research agen-*
5 *cies, and may oversee projects jointly with other agen-*
6 *cies.*

7 “(6) *PERSONNEL.*—*In hiring personnel for the*
8 *Science and Technology Directorate, the Secretary*
9 *shall have the hiring and management authorities de-*
10 *scribed in section 1599h of title 10, United States*
11 *Code. The term of appointments for employees under*
12 *subsection (c)(1) of that section may not exceed 5*
13 *years before the granting of any extension under sub-*
14 *section (c)(2) of that section.*

15 “(7) *DEMONSTRATIONS.*—*The Chief Scientist,*
16 *periodically, shall hold homeland security technology*
17 *demonstrations, pilots, field assessments, and work-*
18 *shops to improve contact among technology devel-*
19 *opers, vendors, component personnel, State, local, and*
20 *tribal first responders, and acquisition personnel.”.*

21 “(2) *CLERICAL AMENDMENT.*—*The table of con-*
22 *tents in section 1(b) of the Homeland Security Act of*
23 *2002 (Public Law 107–296; 116 Stat. 2135) is*
24 *amended by striking the item relating to section 307*
25 *and inserting the following:*

“Sec. 307. Office of the Chief Scientist.”.

1 **SEC. 1112. DEPARTMENT OF HOMELAND SECURITY ROTA-**
2 **TION PROGRAM.**

3 (a) *ENHANCEMENTS TO THE ROTATION PROGRAM.*—
4 *Section 844 of the Homeland Security Act of 2002 (6 U.S.C.*
5 *414) is amended—*

6 (1) *by striking “(a) ESTABLISHMENT.—”;*

7 (2) *by redesignating paragraphs (1) through (5)*
8 *as subsections (a) through (e), respectively, and ad-*
9 *justing the margins and the heading typeface accord-*
10 *ingly;*

11 (3) *in subsection (a), as so redesignated—*

12 (A) *by striking “Not later than 180 days*
13 *after the date of enactment of this section, the”*
14 *and inserting “The”; and*

15 (B) *by striking “for employees of the De-*
16 *partment” and inserting “for certain personnel*
17 *within the Department”;*

18 (4) *in subsection (b), as so redesignated—*

19 (A) *by redesignating subparagraphs (A)*
20 *through (G) as paragraphs (3) through (9), re-*
21 *spectively, and adjusting the margins accord-*
22 *ingly;*

23 (B) *by inserting before paragraph (3), as so*
24 *redesignated, the following:*

25 “(1) *seek to foster greater departmental integra-*
26 *tion and unity of effort;*

1 “(2) seek to help enhance the knowledge, skills,
2 and abilities of participating personnel with respect
3 to the programs, policies, and activities of the Depart-
4 ment;”;

5 (C) in paragraph (4), as so redesignated, by
6 striking “middle and senior level”; and

7 (D) in paragraph (7), as so redesignated, by
8 inserting before “invigorate” the following: “seek
9 to improve morale and retention throughout the
10 Department and”;

11 (5) in subsection (c), as redesignated by para-
12 graph (2)—

13 (A) by redesignating subparagraphs (A)
14 and (B) as paragraphs (1) and (2), respectively,
15 and adjusting the margins accordingly; and

16 (B) in paragraph (2), as so redesignated—

17 (i) by striking clause (iii); and

18 (ii) by redesignating clauses (i), (ii),
19 and (iv) through (viii) as subparagraphs
20 (A) through (G), respectively, and adjusting
21 the margins accordingly;

22 (6) by redesignating subsections (d) and (e), as
23 redesignated by paragraph (2), as subsections (e) and
24 (f), respectively;

1 (7) by inserting after subsection (c) the following
2 new subsection:

3 “(d) *ADMINISTRATIVE MATTERS.*—*In carrying out the*
4 *Rotation Program the Secretary shall—*

5 “*(1) before selecting employees for participation*
6 *in the Rotation Program, disseminate information*
7 *broadly within the Department about the availability*
8 *of the Rotation Program, qualifications for participa-*
9 *tion in the Rotation Program, including full-time em-*
10 *ployment within the employing component or office*
11 *not less than 1 year, and the general provisions of the*
12 *Rotation Program;*

13 “*(2) require as a condition of participation in*
14 *the Rotation Program that an employee—*

15 “*(A) is nominated by the head of the com-*
16 *ponent or office employing the employee; and*

17 “*(B) is selected by the Secretary, or the Sec-*
18 *retary’s designee, solely on the basis of relative*
19 *ability, knowledge, and skills, after fair and open*
20 *competition that assures that all candidates re-*
21 *ceive equal opportunity;*

22 “*(3) ensure that each employee participating in*
23 *the Rotation Program shall be entitled to return,*
24 *within a reasonable period of time after the end of the*
25 *period of participation, to the position held by the*

1 *employee, or a corresponding or higher position, in*
2 *the component or office that employed the employee*
3 *prior to the participation of the employee in the Ro-*
4 *tation Program;*

5 *“(4) require that the rights that would be avail-*
6 *able to the employee if the employee were detailed*
7 *from the employing component or office to another*
8 *Federal agency or office remain available to the em-*
9 *ployee during the employee participation in the Rota-*
10 *tion Program; and*

11 *“(5) require that, during the period of participa-*
12 *tion by an employee in the Rotation Program, per-*
13 *formance evaluations for the employee—*

14 *“(A) shall be conducted by officials in the*
15 *office or component employing the employee with*
16 *input from the supervisors of the employee at the*
17 *component or office in which the employee is*
18 *placed during that period; and*

19 *“(B) shall be provided the same weight with*
20 *respect to promotions and other rewards as per-*
21 *formance evaluations for service in the office or*
22 *component employing the employee.”; and*

23 *(8) by adding at the end the following:*

24 *“(g) INTELLIGENCE ROTATIONAL ASSIGNMENT PRO-*
25 *GRAM.—*

1 “(1) *ESTABLISHMENT.*—*The Secretary shall es-*
2 *tablish an Intelligence Rotational Assignment Pro-*
3 *gram as part of the Rotation Program under sub-*
4 *section (a).*

5 “(2) *ADMINISTRATION.*—*The Chief Human Cap-*
6 *ital Officer, in conjunction with the Chief Intelligence*
7 *Officer, shall administer the Intelligence Rotational*
8 *Assignment Program established pursuant to para-*
9 *graph (1).*

10 “(3) *ELIGIBILITY.*—*The Intelligence Rotational*
11 *Assignment Program established pursuant to para-*
12 *graph (1) shall be open to employees serving in exist-*
13 *ing analyst positions within the Department’s intel-*
14 *ligence enterprise and other Department employees as*
15 *determined appropriate by the Chief Human Capital*
16 *Officer and the Chief Intelligence Officer.*

17 “(4) *COORDINATION.*—*The responsibilities speci-*
18 *fied in subsection (c)(2) that apply to the Rotation*
19 *Program under such subsection shall, as applicable,*
20 *also apply to the Intelligence Rotational Assignment*
21 *Program under this subsection.*

22 “(h) *EVALUATION.*—*The Chief Human Capital Officer,*
23 *acting through the Under Secretary for Management,*
24 *shall—*

1 “(1) perform regular evaluations of the Home-
2 land Security Rotation Program; and

3 “(2) not later than 90 days after the end of each
4 fiscal year, submit to the Secretary a report detailing
5 the findings of the evaluations under paragraph (1)
6 during that fiscal year, which shall include—

7 “(A) an analysis of the extent to which the
8 program meets the goals under subsection (b);

9 “(B) feedback from participants in the pro-
10 gram, including the extent to which rotations
11 have enhanced their performance in their current
12 role and opportunities to improve the program;

13 “(C) aggregated information about program
14 participants; and

15 “(D) a discussion of how rotations can be
16 aligned with the needs of the Department with
17 respect to employee training and mission
18 needs.”.

19 (b) CONGRESSIONAL NOTIFICATION AND OVER-
20 SIGHT.—Not later than 120 days after the date of the enact-
21 ment of this Act, the Secretary of Homeland Security shall
22 provide to the Committee on Homeland Security and the
23 Permanent Select Committee on Intelligence of the House
24 of Representatives and the Committee on Homeland Secu-
25 rity and Governmental Affairs and the Select Committee

1 *on Intelligence of the Senate information about the status*
2 *of the Homeland Security Rotation Program authorized by*
3 *section 844 of the Homeland Security Act of 2002, as*
4 *amended by subsection (a) of this section.*

5 **SEC. 1113. FUTURE YEARS HOMELAND SECURITY PROGRAM.**

6 *(a) IN GENERAL.—Section 874 of the Homeland Secu-*
7 *rity Act of 2002 (6 U.S.C. 454) is amended—*

8 *(1) in the section heading, by striking “YEAR”*
9 *and inserting “YEARS”;*

10 *(2) by striking subsection (a) and inserting the*
11 *following:*

12 *“(a) IN GENERAL.—Not later than 60 days after the*
13 *date on which the budget of the President is submitted to*
14 *Congress under section 1105(a) of title 31, United States*
15 *Code, the Secretary shall submit to the Committee on Home-*
16 *land Security and Governmental Affairs of the Senate and*
17 *the Committee on Homeland Security of the House of Rep-*
18 *resentatives (referred to in this section as the ‘appropriate*
19 *committees’) a Future Years Homeland Security Program*
20 *that covers the fiscal year for which the budget is submitted*
21 *and the 4 succeeding fiscal years.’; and*

22 *(3) by striking subsection (c) and inserting the*
23 *following new subsections:*

1 “(c) *PROJECTION OF ACQUISITION ESTIMATES.*—On
2 *and after February 1, 2019, each Future Years Homeland*
3 *Security Program shall project—*

4 “(1) *acquisition estimates for the fiscal year for*
5 *which the budget is submitted and the 4 succeeding*
6 *fiscal years, with specified estimates for each fiscal*
7 *year, for all major acquisitions by the Department*
8 *and each component of the Department; and*

9 “(2) *estimated annual deployment schedules for*
10 *all physical asset major acquisitions over the 5-fiscal-*
11 *year period described in paragraph (1), estimated*
12 *costs and number of service contracts, and the full op-*
13 *erating capability for all information technology*
14 *major acquisitions.*

15 “(d) *SENSITIVE AND CLASSIFIED INFORMATION.*—The
16 *Secretary may include with each Future Years Homeland*
17 *Security Program a classified or other appropriately con-*
18 *trolled document containing information required to be sub-*
19 *mitted under this section that is restricted from public dis-*
20 *closure in accordance with Federal law or Executive order.*

21 “(e) *AVAILABILITY OF INFORMATION TO THE PUB-*
22 *LIC.*—The Secretary shall make available to the public in
23 *electronic form the information required to be submitted to*
24 *the appropriate committees under this section, other than*
25 *information described in subsection (d).”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
2 *section 1(b) of the Homeland Security Act of 2002 (Public*
3 *Law 107–296; 116 Stat. 2135) is amended by striking the*
4 *item relating to section 874 and inserting the following:*

 “*Sec. 874. Future Years Homeland Security Program.*”.

5 **SEC. 1114. FIELD EFFICIENCIES PLAN.**

6 (a) *IN GENERAL.*—*Not later than 270 days after the*
7 *date of enactment of this Act, the Secretary of Homeland*
8 *Security shall submit to the Committee on Homeland Secu-*
9 *rity and the Committee on Transportation and Infrastruc-*
10 *ture of the House of Representatives and Committee on*
11 *Homeland Security and Governmental Affairs of the Senate*
12 *a field efficiencies plan that—*

13 (1) *examines the facilities and administrative*
14 *and logistics functions of components of the Depart-*
15 *ment of Homeland Security located within designated*
16 *geographic areas; and*

17 (2) *provides specific recommendations and an*
18 *associated cost-benefit analysis for the consolidation of*
19 *the facilities and administrative and logistics func-*
20 *tions of components of the Department of Homeland*
21 *Security within each designated geographic area.*

22 (b) *CONTENTS.*—*The field efficiencies plan submitted*
23 *under subsection (a) shall include the following:*

24 (1) *An accounting of leases held by the Depart-*
25 *ment of Homeland Security or the components of the*

1 *Department of Homeland Security that have expired*
2 *in the current fiscal year or will be expiring in the*
3 *next fiscal year, that have begun or been renewed in*
4 *the current fiscal year, or that the Department of*
5 *Homeland Security or the components of the Depart-*
6 *ment of Homeland Security plan to sign or renew in*
7 *the next fiscal year.*

8 *(2) For each designated geographic area:*

9 *(A) An evaluation of specific facilities at*
10 *which components, or operational entities of*
11 *components, of the Department of Homeland Se-*
12 *curity may be closed or consolidated, including*
13 *consideration of when leases expire or facilities*
14 *owned by the Government become available.*

15 *(B) An evaluation of potential consolidation*
16 *with facilities of other Federal, State, or local*
17 *entities, including—*

18 *(i) offices;*

19 *(ii) warehouses;*

20 *(iii) training centers;*

21 *(iv) housing;*

22 *(v) ports, shore facilities, and airfields;*

23 *(vi) laboratories;*

24 *(vii) continuity of government facili-*
25 *ties; and*

1 (viii) other assets as determined by the
2 Secretary.

3 (C) An evaluation of the potential for the
4 consolidation of administrative and logistics
5 functions, including—

6 (i) facility maintenance;

7 (ii) fleet vehicle services;

8 (iii) mail handling and shipping and
9 receiving;

10 (iv) facility security;

11 (v) procurement of goods and services;

12 (vi) information technology and tele-
13 communications services and support; and

14 (vii) additional ways to improve unity
15 of effort and cost savings for field operations
16 and related support activities as determined
17 by the Secretary.

18 (3) An implementation plan, including—

19 (A) near-term actions that can co-locate,
20 consolidate, or dispose of property within 24
21 months;

22 (B) identifying long-term occupancy agree-
23 ments or leases that cannot be changed without
24 a significant cost to the Government; and

1 (C) how the Department of Homeland Secu-
2 rity can ensure it has the capacity, in both per-
3 sonnel and funds, needed to cover up-front costs
4 to achieve consolidation and efficiencies.

5 (4) An accounting of any consolidation of the
6 real estate footprint of the Department or any compo-
7 nent of the Department, including the co-location of
8 personnel from different components, offices, and
9 agencies within the Department.

10 **SEC. 1115. MANAGEMENT.**

11 (a) *SUBMISSION TO CONGRESS OF INFORMATION RE-*
12 *GARDING REPROGRAMMING OR TRANSFER OF DEPARTMENT*
13 *OF HOMELAND SECURITY RESOURCES TO RESPOND TO*
14 *OPERATIONAL SURGES.*—*Title VII of the Homeland Secu-*
15 *rity Act of 2002 (6 U.S.C. 341 et seq.), as amended by sec-*
16 *tion 1108, is amended by adding at the end the following:*

17 **“SEC. 711. ANNUAL SUBMITTAL TO CONGRESS OF INFORMA-**
18 **TION ON REPROGRAMMING OR TRANSFERS**
19 **OF FUNDS TO RESPOND TO OPERATIONAL**
20 **SURGES.**

21 *“For each fiscal year until fiscal year 2023, the Sec-*
22 *retary shall provide to the Committee on Homeland Secu-*
23 *rity of the House of Representatives and the Committee on*
24 *Homeland Security and Governmental Affairs of the Sen-*

1 ate, together with the annual budget request for the Depart-
2 ment, information on—

3 “(1) any circumstance during the fiscal year
4 covered by the report in which the Secretary exercised
5 the authority to reprogram or transfer funds to ad-
6 dress unforeseen costs, including costs associated with
7 operational surges; and

8 “(2) any circumstance in which any limitation
9 on the transfer or reprogramming of funds affected
10 the ability of the Secretary to address such unforeseen
11 costs.”

12 (b) *LONG TERM REAL PROPERTY STRATEGIES.*—Title
13 VII of the Homeland Security Act of 2002 (6 U.S.C. 341
14 et seq.), as amended by subsection (a), is amended by add-
15 ing at the end the following:

16 **“SEC. 712. CHIEF FACILITIES AND LOGISTICS OFFICER.**

17 “(a) *IN GENERAL.*—There is a Chief Facilities and Lo-
18 gistics Officer of the Department who shall report directly
19 to the Under Secretary for Management. The Chief Facili-
20 ties and Logistics Officer shall be career reserved for a mem-
21 ber of the senior executive service.

22 “(b) *RESPONSIBILITIES.*—The Chief Facilities and Lo-
23 gistics Officer shall—

24 “(1) develop policies and procedures and provide
25 program oversight to manage real property, facilities,

1 *environmental and energy programs, personal prop-*
2 *erty, mobile assets, equipment, and other material re-*
3 *sources of the Department;*

4 *“(2) manage and execute, in consultation with*
5 *the component heads, mission support services within*
6 *the National Capital Region for real property, facili-*
7 *ties, environmental and energy programs, and other*
8 *common headquarters and field activities for the De-*
9 *partment; and*

10 *“(3) provide tactical and transactional services*
11 *for the Department in the National Capital Region,*
12 *including transportation, facility operations, and*
13 *maintenance.*

14 **“SEC. 713. LONG TERM REAL PROPERTY STRATEGIES.**

15 *“(a) IN GENERAL.—*

16 *“(1) FIRST STRATEGY.—Not later than 180 days*
17 *after the date of enactment of this section, the Under*
18 *Secretary for Management, in consultation with the*
19 *Administrator of General Services, shall develop an*
20 *initial 5-year regional real property strategy for the*
21 *Department that covers the 5-fiscal-year period imme-*
22 *diately following such date of enactment. Such strat-*
23 *egy shall be geographically organized, as designated*
24 *by the Under Secretary for Management.*

1 “(2) *SECOND STRATEGY.*—Not later than the
2 *first day of the fourth fiscal year covered by the first*
3 *strategy under paragraph (1), the Under Secretary*
4 *for Management, in consultation with the Adminis-*
5 *trator of General Services, shall develop a second 5-*
6 *year real property strategy for the Department that*
7 *covers the 5 fiscal years immediately following the*
8 *conclusion of the first strategy.*

9 “(b) *REQUIREMENTS.*—

10 “(1) *INITIAL STRATEGY.*—The initial 5-year
11 *strategy developed in accordance with subsection*
12 *(a)(1) shall—*

13 “(A) *identify opportunities to consolidate*
14 *real property, optimize the usage of Federal as-*
15 *sets, and decrease the number of commercial*
16 *leases and square footage within the Depart-*
17 *ment’s real property portfolio;*

18 “(B) *provide alternate housing and consoli-*
19 *dation plans to increase efficiency through joint*
20 *use of Department spaces while decreasing the*
21 *cost of leased space;*

22 “(C) *concentrate on geographical areas with*
23 *a significant Department presence, as identified*
24 *by the Under Secretary for Management;*

1 “(D) examine the establishment of central
2 Department locations in each such geographical
3 region and the co-location of Department compo-
4 nents based on the mission sets and responsibil-
5 ities of such components;

6 “(E) identify opportunities to reduce over-
7 head costs through co-location or consolidation of
8 real property interests or mission support activi-
9 ties, such as shared mail screening and proc-
10 essing, centralized transportation and shuttle
11 services, regional transit benefit programs, com-
12 mon contracting for custodial and other services,
13 and leveraging strategic sourcing contracts and
14 sharing of specialized facilities, such as training
15 facilities and resources;

16 “(F) manage the current Department Work-
17 space Standard for Office Space in accordance
18 with the Department office workspace design
19 process to develop the most efficient and effective
20 spaces within the workspace standard usable
21 square foot ranges for all leased for office space
22 entered into on or after the date of the enactment
23 of this section, including the renewal of any
24 leases for office space existing as of such date;

1 “(G) define, based on square footage, what
2 constitutes a major real property acquisition;

3 “(H) prioritize actions to be taken to im-
4 prove the operations and management of the De-
5 partment’s real property inventory, based on
6 life-cycle cost estimations, in consultation with
7 component heads;

8 “(I) include information on the head-
9 quarters consolidation project of the Department,
10 including—

11 “(i) an updated list of the components
12 and offices to be included in the project;

13 “(ii) a comprehensive assessment of the
14 current and future real property required
15 by the Department at the site; and

16 “(iii) updated cost and schedule esti-
17 mates; and

18 “(J) include any additional information de-
19 termined appropriate or relevant by the Under
20 Secretary for Management.

21 “(2) SECOND STRATEGY.—The second 5-year
22 strategy developed in accordance with subsection
23 (a)(2) shall include information required in subpara-
24 graphs (A), (B), (C), (E), (F), (G), (H), (I), and (J)
25 of paragraph (1) and information on the effectiveness

1 of implementation efforts pursuant to the Depart-
2 ment-wide policy required in accordance with sub-
3 section (c), including—

4 “(A) the impact of such implementation on
5 departmental operations and costs; and

6 “(B) the degree to which the Department es-
7 tablished central Department locations and co-lo-
8 cated Department components pursuant to the
9 results of the examination required by paragraph
10 (1)(D).

11 “(c) *IMPLEMENTATION POLICIES.*—Not later than 90
12 days after the development of each of the regional real prop-
13 erty strategies developed in accordance with subsection (a),
14 the Under Secretary for Management shall develop or up-
15 date, as applicable, a Department-wide policy imple-
16 menting such strategies.

17 “(d) *CERTIFICATIONS.*—Subject to subsection (g)(3),
18 the implementation policies developed pursuant to sub-
19 section (c) shall require component heads to certify to the
20 Under Secretary for Management that such heads have com-
21 plied with the requirements specified in subsection (b) before
22 making any major real property decision or recommenda-
23 tion, as defined by the Under Secretary, including matters
24 related to new leased space, renewing any existing leases,
25 or agreeing to extend or newly occupy any Federal space

1 *or new construction, in accordance with the applicable re-*
2 *gional real property strategy developed in accordance with*
3 *subsection (a).*

4 “(e) *UNDERUTILIZED SPACE.*—

5 “(1) *IN GENERAL.*—*The implementation policies*
6 *developed pursuant to subsection (c) shall require*
7 *component heads, acting through regional property*
8 *managers under subsection (f), to annually report to*
9 *the Under Secretary for Management on underutilized*
10 *space and identify space that may be made available*
11 *for use, as applicable, by other components or Federal*
12 *agencies.*

13 “(2) *EXCEPTION.*—*The Under Secretary for*
14 *Management may grant an exception to the work-*
15 *space standard usable square foot ranges described in*
16 *subsection (b)(1)(F) for specific office locations at*
17 *which a reduction or elimination of otherwise under-*
18 *utilized space would negatively impact a component’s*
19 *ability to execute its mission based on readiness per-*
20 *formance measures or would increase the cost of such*
21 *space.*

22 “(3) *UNDERUTILIZED SPACE DEFINED.*—*In this*
23 *subsection, the term ‘underutilized space’ means any*
24 *space with respect to which utilization is greater than*

1 *the workplace standard usable square foot ranges de-*
2 *scribed in subsection (b)(1)(F).*

3 *“(f) COMPONENT RESPONSIBILITIES.—*

4 *“(1) REGIONAL PROPERTY MANAGERS.—Each*
5 *component head shall identify a senior career em-*
6 *ployee of each such component for each geographic re-*
7 *gion included in the regional real property strategies*
8 *developed in accordance with subsection (a) to serve*
9 *as each such component’s regional property manager.*
10 *Each such regional property manager shall serve as*
11 *a single point of contact for Department headquarters*
12 *and other Department components for all real prop-*
13 *erty matters relating to each such component within*
14 *the region in which each such component is located,*
15 *and provide data and any other support necessary for*
16 *the Department of Homeland Security Regional Mis-*
17 *sion Support Coordinator strategic asset and portfolio*
18 *planning and execution.*

19 *“(2) DATA.—Regional property managers under*
20 *paragraph (1) shall provide annually to the Under*
21 *Secretary for Management, via a standardized and*
22 *centralized system, data on each component’s real*
23 *property holdings, as specified by the Undersecretary*
24 *for Management, including relating to underutilized*
25 *space under subsection (e) (as such term is defined in*

1 *such subsection), total square footage leased, annual*
2 *cost, and total number of staff, for each geographic re-*
3 *gion included in the regional real property strategies*
4 *developed in accordance with subsection (a).*

5 *“(g) ONGOING OVERSIGHT.—*

6 *“(1) IN GENERAL.—The Under Secretary for*
7 *Management shall monitor components’ adherence to*
8 *the regional real property strategies developed in ac-*
9 *cordance with subsection (a) and the implementation*
10 *policies developed pursuant to subsection (c).*

11 *“(2) ANNUAL REVIEW.—The Under Secretary for*
12 *Management shall annually review the data sub-*
13 *mitted pursuant to subsection (f)(2) to ensure all un-*
14 *derutilized space (as such term is defined in sub-*
15 *section (e)) is properly identified.*

16 *“(3) CERTIFICATION REVIEW.—The Under Sec-*
17 *retary for Management shall review, and if appro-*
18 *priate, approve, component certifications under sub-*
19 *section (d) before such components may make any*
20 *major real property decision, including matters re-*
21 *lated to new leased space, renewing any existing*
22 *leases, or agreeing to extend or newly occupy any*
23 *Federal space or new construction, in accordance with*
24 *the applicable regional real property strategy devel-*
25 *oped in accordance with subsection (a).*

1 “(4) CONGRESSIONAL REPORTING.—The Under
2 Secretary for Management shall annually provide in-
3 formation to the Committee on Homeland Security
4 and the Committee on Transportation and Infrastruc-
5 ture of the House of Representatives, the Committee
6 on Homeland Security and Governmental Affairs of
7 the Senate, and the Inspector General of the Depart-
8 ment on the real property portfolio of the Depart-
9 ment, including information relating to the following:

10 “(A) A summary of the Department’s real
11 property holdings in each region described in the
12 regional strategies developed in accordance with
13 subsection (a), and for each such property, infor-
14 mation including the total square footage leased,
15 the total cost, the total number of staff at each
16 such property, and the square foot per person
17 utilization rate for office space (and whether or
18 not it conforms with the workspace standard us-
19 able square foot ranges established described in
20 subsection (b)(1)(F)).

21 “(B) An accounting of all underutilized
22 space (as such term is defined in subsection (e)).

23 “(C) An accounting of all instances in
24 which the Department or its components consoli-

1 *dated their real property holdings or co-located*
2 *with another entity within the Department.*

3 “(D) *A list of all certifications provided*
4 *pursuant to subsection (d) and all such certifi-*
5 *cations approved pursuant to paragraph (3) of*
6 *this subsection.*

7 “(5) *INSPECTOR GENERAL REVIEW.—Not later*
8 *than 120 days after the last day of the fifth fiscal*
9 *year covered in each of the initial and second regional*
10 *real property strategies developed in accordance with*
11 *subsection (a), the Inspector General of the Depart-*
12 *ment shall review the information submitted pursuant*
13 *to paragraph (4) and issue findings regarding the ef-*
14 *fectiveness of the implementation of the Department-*
15 *wide policy and oversight efforts of the management*
16 *of real property facilities, personal property, mobile*
17 *assets, equipment and the Department’s other mate-*
18 *rial resources as required under this section.”.*

19 “(c) *REPORTING.—The Secretary of Homeland Security*
20 *shall submit to the Committee on Homeland Security of the*
21 *House of Representatives and the Committee on Homeland*
22 *Security and Governmental Affairs of the Senate copies of*
23 *the regional strategies developed in accordance with section*
24 *713(a) of the Homeland Security Act of 2002, as added by*

1 *this Act, not later than 90 days after the date of the develop-*
 2 *ment of each such strategy.*

3 (d) *RULES OF CONSTRUCTION.*—*Nothing in this Act*
 4 *or an amendment made by this Act shall be construed to*
 5 *effect, modify, or supersede—*

6 (1) *the responsibility of agencies for management*
 7 *of their real property holdings pursuant to title 40 of*
 8 *the United States Code; or*

9 (2) *the reporting requirements included in the*
 10 *Department of Homeland Security Headquarters*
 11 *Consolidation Accountability Act of 2015 (Public*
 12 *Law 114–150; 130 Stat. 366).*

13 (e) *CLERICAL AMENDMENT.*—*The table of contents in*
 14 *section 1(b) of the Homeland Security Act of 2002 (Public*
 15 *Law 107–296; 116 Stat. 2135), as amended by section 1108,*
 16 *is amended by inserting after the item relating to section*
 17 *710 the following:*

“Sec. 711. Annual submittal to Congress of information on reprogramming or
transfers of funds to respond to operational surges.

“Sec. 712. Chief Facilities and Logistics Officer.

“Sec. 713. Long term real property strategies.”.

18 **SEC. 1116. REPORT TO CONGRESS ON COST SAVINGS AND**
 19 **EFFICIENCY.**

20 (a) *IN GENERAL.*—*Not later than 2 years after the*
 21 *date of the enactment of this Act, the Secretary of Homeland*
 22 *Security shall submit to the congressional homeland secu-*
 23 *rity committees (as defined in section 2 of the Homeland*

1 *Security Act of 2002, as amended by this Act) a report that*
2 *includes each of the following:*

3 (1) *A detailed accounting of the management*
4 *and administrative expenditures and activities of*
5 *each component of the Department of Homeland Se-*
6 *curity and identifies potential cost savings,*
7 *avoidances, and efficiencies for those expenditures and*
8 *activities.*

9 (2) *An examination of major physical assets of*
10 *the Department of Homeland Security, as defined by*
11 *the Secretary of Homeland Security.*

12 (3) *A review of the size, experience level, and geo-*
13 *graphic distribution of the operational personnel of*
14 *the Department of Homeland Security.*

15 (4) *Recommendations for adjustments in the*
16 *management and administration of the Department*
17 *of Homeland Security that would reduce deficiencies*
18 *in the capabilities of the Department of Homeland*
19 *Security, reduce costs, and enhance efficiencies.*

20 (b) *FORM OF REPORT.*—*The report required under*
21 *subsection (a) shall be submitted in unclassified form, but*
22 *may include a classified annex.*

1 **SEC. 1117. COUNTERING WEAPONS OF MASS DESTRUCTION**

2 **OFFICE.**

3 (a) *IN GENERAL.*—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) is amended—

5 (1) in the title heading, by striking “**DOMESTIC NUCLEAR DETECTION OFFICE**” and
6 inserting “**COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE**”;

9 (2) by striking section 1901 and inserting the
10 following:

11 **“SEC. 1900. DEFINITIONS.**

12 *“In this title:*

13 (1) *ASSISTANT SECRETARY.*—The term ‘Assistant Secretary’ means the Assistant Secretary for the
14 Countering Weapons of Mass Destruction Office.
15

16 (2) *OFFICE.*—The term ‘Office’ means the
17 Countering Weapons of Mass Destruction Office established under section 1901(a).
18

19 (3) *WEAPON OF MASS DESTRUCTION.*—The term
20 ‘weapon of mass destruction’ has the meaning given
21 the term in section 101 of the Foreign Intelligence
22 Surveillance Act of 1978 (50 U.S.C. 1801).

1 **“Subtitle A—Countering Weapons of**
2 **Mass Destruction Office”;**

3 **“SEC. 1901. COUNTERING WEAPONS OF MASS DESTRUCTION**
4 **OFFICE.**

5 *“(a) ESTABLISHMENT.—There is established in the De-*
6 *partment a Countering Weapons of Mass Destruction Of-*
7 *fice.*

8 *“(b) ASSISTANT SECRETARY.—The Office shall be*
9 *headed by an Assistant Secretary for the Countering Weap-*
10 *ons of Mass Destruction Office, who shall be appointed by*
11 *the President.*

12 *“(c) RESPONSIBILITIES.—The Assistant Secretary*
13 *shall serve as the Secretary’s principal advisor on—*

14 *“(1) weapons of mass destruction matters and*
15 *strategies; and*

16 *“(2) coordinating the efforts to counter weapons*
17 *of mass destruction.”;*

18 *(3) by adding at the end the following:*

19 **“Subtitle B—Mission of the Office**

20 **“SEC. 1921. MISSION OF THE OFFICE.**

21 *“The Office shall be responsible for coordinating with*
22 *other Federal efforts and developing departmental strategy*
23 *and policy to plan, detect, or protect against the importa-*
24 *tion, possession, storage, transportation, development, or*
25 *use of unauthorized chemical, biological, radiological, or*

1 *nuclear materials, devices, or agents, in the United States*
2 *and to protect against an attack using such materials, de-*
3 *vices, or agents against the people, territory, or interests*
4 *of the United States.*

5 **“SEC. 1922. RELATIONSHIP TO OTHER DEPARTMENT ENTI-**
6 **TIES AND FEDERAL AGENCIES.**

7 “(a) *IN GENERAL.—The authority of the Assistant*
8 *Secretary under this title shall neither affect nor diminish*
9 *the authority or the responsibility of any officer of the De-*
10 *partment or of any officer of any other department or agen-*
11 *cy of the United States with respect to the command, con-*
12 *trol, or direction of the functions, personnel, funds, assets,*
13 *and liabilities of any entity within the Department or any*
14 *Federal department or agency.*

15 “(b) *FEDERAL EMERGENCY MANAGEMENT AGENCY.—*
16 *Nothing in this title or any other provision of law may*
17 *be construed to affect or reduce the responsibilities of the*
18 *Federal Emergency Management Agency or the Adminis-*
19 *trator of the Agency, including the diversion of any asset,*
20 *function, or mission of the Agency or the Administrator of*
21 *the Agency.”;*

22 (4) *by striking section 1905;*

23 (5) *by redesignating sections 1902, 1903, 1904,*
24 *1906, and 1907 as sections 1923, 1924, 1925, 1926,*
25 *and 1927, respectively, and transferring such sections*

1 to appear after section 1922, as added by paragraph
2 (3);

3 (6) in section 1923, as so redesignated—

4 (A) in the section heading by striking
5 “**MISSION OF OFFICE**” and inserting “**RE-**
6 **SPONSIBILITIES**”; and

7 (B) in subsection (a)(11), by striking “Do-
8 mestic Nuclear Detection Office” and inserting
9 “Countering Weapons of Mass Destruction Of-
10 fice”;

11 (7) in section 1925(a), as so redesignated, by
12 striking “section 1902” and inserting “section 1923”;

13 (8) in section 1926, as so redesignated—

14 (A) by striking “section 1902(a)” each place
15 it appears and inserting “section 1923(a)”;

16 (B) in the matter preceding paragraph (1),
17 by striking “Director for Domestic Nuclear De-
18 tecton” and inserting “Assistant Secretary for
19 the Countering Weapons of Mass Destruction Of-
20 fice”;

21 (9) in section 1927, as so redesignated—

22 (A) in subsection (a)(1)(C), in the matter
23 preceding clause (i), by striking “Director of the
24 Domestic Nuclear Detection Office” and insert-

1 *ing “Assistant Secretary for the Countering*
2 *Weapons of Mass Destruction Office”*; and

3 *(B) in subsection (c), by striking “section*
4 *1902” and inserting “section 1923”.*

5 ***(b) REFERENCES AND CONSTRUCTION.—***

6 ***(1) IN GENERAL.—****Any reference in law, regula-*
7 *tion, document, paper, or other record of the United*
8 *States to—*

9 ***(A) the Domestic Nuclear Detection Office***
10 *shall be deemed to be a reference to the Coun-*
11 *tering Weapons of Mass Destruction Office; and*

12 ***(B) the Director for Domestic Nuclear De-***
13 *tection shall be deemed to be a reference to the*
14 *Assistant Secretary for the Countering Weapons*
15 *of Mass Destruction Office.*

16 ***(2) CONSTRUCTION.—****Sections 1923 through*
17 *1927 of the Homeland Security Act of 2002, as so re-*
18 *designated by subsection (a), shall be construed to*
19 *cover the chemical and biological responsibilities of*
20 *the Assistant Secretary for the Countering Weapons of*
21 *Mass Destruction Office.*

22 ***(3) AUTHORITY.—****The authority of the Director*
23 *of the Domestic Nuclear Detection Office to make*
24 *grants is transferred to the Assistant Secretary for the*
25 *Countering Weapons of Mass Destruction, and such*

1 *authority shall be construed to include grants for all*
2 *purposes of title XIX of the Homeland Security Act*
3 *of 2002, as amended by this Act.*

4 *(c) CHIEF MEDICAL OFFICER.—*

5 *(1) REPEAL.—Title V of the Homeland Security*
6 *Act of 2002 (6 U.S.C. 311 et seq.) is amended by*
7 *striking section 516.*

8 *(2) AMENDMENT.—Title XIX of the Homeland*
9 *Security Act of 2002 (6 U.S.C. 591 et seq.), as*
10 *amended by subsection (a), is amended by adding at*
11 *the end the following:*

12 ***“Subtitle C—Chief Medical Officer***

13 ***“SEC. 1931. CHIEF MEDICAL OFFICER.***

14 *“(a) IN GENERAL.—There is in the Department a*
15 *Chief Medical Officer, who shall be appointed by the Sec-*
16 *retary. The Chief Medical Officer shall report to the Assist-*
17 *ant Secretary.*

18 *“(b) QUALIFICATIONS.—The individual appointed as*
19 *Chief Medical Officer shall be a licensed physician pos-*
20 *sessing a demonstrated ability in and knowledge of medi-*
21 *cine and public health.*

22 *“(c) RESPONSIBILITIES.—The Chief Medical Officer*
23 *shall have the responsibility within the Department for*
24 *medical issues related to natural disasters, acts of terrorism,*
25 *and other man-made disasters including—*

1 “(1) *serving as the principal advisor to the Sec-*
2 *retary, the Assistant Secretary, and other Department*
3 *officials on medical and public health issues;*

4 “(2) *providing operational medical support to*
5 *all components of the Department;*

6 “(3) *as appropriate provide medical liaisons to*
7 *the components of the Department, on a reimbursable*
8 *basis, to provide subject matter expertise on oper-*
9 *ational medical issues;*

10 “(4) *coordinating with State, local, and tribal*
11 *governments, the medical community, and others*
12 *within and outside the Department, including the De-*
13 *partment of Health and Human Services Centers for*
14 *Disease Control, with respect to medical and public*
15 *health matters; and*

16 “(5) *performing such other duties relating to*
17 *such responsibilities as the Secretary may require.”.*

18 (3) *CLERICAL AMENDMENT.—The table of con-*
19 *tents in section 1(b) of the Homeland Security Act of*
20 *2002 (Public Law 107–296; 116 Stat. 2135) is*
21 *amended by striking the item relating to section 516.*

22 (d) *WORKFORCE HEALTH AND MEDICAL SUPPORT.—*

23 (1) *IN GENERAL.—Title VII of the Homeland Se-*
24 *curity Act of 2002 (6 U.S.C. 341 et seq.), as amended*

1 *by section 1115, is amended by adding at the end the*
2 *following:*

3 **“SEC. 714. WORKFORCE HEALTH AND MEDICAL SUPPORT.**

4 “(a) *IN GENERAL.—The Under Secretary for Manage-*
5 *ment shall be responsible for workforce-focused health and*
6 *medical activities of the Department. The Under Secretary*
7 *for Management may further delegate these responsibilities*
8 *as appropriate.*

9 “(b) *RESPONSIBILITIES.—The Under Secretary for*
10 *Management, in coordination with the Chief Medical Offi-*
11 *cer, shall—*

12 “(1) *provide oversight and coordinate the med-*
13 *ical and health activities of the Department for the*
14 *human and animal personnel of the Department;*

15 “(2) *establish medical, health, veterinary, and*
16 *occupational health exposure policy, guidance, strate-*
17 *gies, and initiatives for the human and animal per-*
18 *sonnel of the Department;*

19 “(3) *as deemed appropriate by the Under Sec-*
20 *retary, provide medical liaisons to the components of*
21 *the Department, on a reimbursable basis, to provide*
22 *subject matter expertise on occupational medical and*
23 *public health issues;*

24 “(4) *serve as the primary representative for the*
25 *Department on agreements regarding the detail of De-*

1 *partment of Health and Human Services Public*
2 *Health Service Commissioned Corps Officers to the*
3 *Department, except that components and offices of the*
4 *Department shall retain authority for funding, deter-*
5 *mination of specific duties, and supervision of Com-*
6 *missioned Corps officers detailed to a Department*
7 *component; and*

8 *“(5) perform such other duties relating to such*
9 *responsibilities as the Secretary may require.”.*

10 *(e) TRANSFERS; ABOLISHMENT.—*

11 *(1) TRANSFERS.—The Secretary of Homeland*
12 *Security shall transfer—*

13 *(A) to the Countering Weapons of Mass De-*
14 *struction Office all functions, personnel, budget*
15 *authority, and assets of—*

16 *(i) the Domestic Nuclear Detection Of-*
17 *fice, as in existence on the day before the*
18 *date of enactment of this Act; and*

19 *(ii) the Office of Health Affairs, as in*
20 *existence on the day before the date of enact-*
21 *ment of this Act, other than the functions,*
22 *personnel, budget authority, and assets of*
23 *such office necessary to perform the func-*
24 *tions of section 714 of the Homeland Secu-*
25 *rity Act of 2002, as added by this Act; and*

1 (B) to the Directorate of Management all
2 functions, personnel, budget authority, and assets
3 of the Office of Health Affairs, as in existence on
4 the day before the date of enactment of this Act,
5 that are necessary to perform the functions of
6 section 714 of the Homeland Security Act of
7 2002, as added by this Act.

8 (2) *ABOLISHMENT.*—Upon completion of all
9 transfers pursuant to paragraph (1)—

10 (A) the Domestic Nuclear Detection Office of
11 the Department of Homeland Security and the
12 Office of Health Affairs of the Department of
13 Homeland Security are abolished;

14 (B) the positions of Assistant Secretary for
15 Health Affairs and Director for Domestic Nu-
16 clear Detection are abolished.

17 (f) *CONFORMING AMENDMENTS.*—

18 (1) *OTHER OFFICERS.*—Section 103(d) of the
19 Homeland Security Act of 2002 (6 U.S.C. 113(d)) is
20 amended—

21 (A) by striking paragraph (4); and

22 (B) by redesignating paragraph (5) as
23 paragraph (4).

24 (2) *NATIONAL BIOSURVEILLANCE INTEGRATION*
25 *CENTER.*—Section 316(a) of the Homeland Security

1 *Act of 2002 (6 U.S.C. 195b(a)) is amended by strik-*
2 *ing “Secretary shall” and inserting “Secretary, act-*
3 *ing through the Assistant Secretary for the Coun-*
4 *tering Weapons of Mass Destruction Office, shall”.*

5 (3) *INTERNATIONAL COOPERATION.—Section*
6 *317(f) of the Homeland Security Act of 2002 (6*
7 *U.S.C. 195c(f)) is amended by striking “the Chief*
8 *Medical Officer,” and inserting “the Assistant Sec-*
9 *retary for the Countering Weapons of Mass Destruc-*
10 *tion Office,”.*

11 (4) *FUNCTIONS TRANSFERRED.—Section 505(b)*
12 *of the Homeland Security Act of 2002 (6 U.S.C.*
13 *315(b)) is amended—*

14 (A) *by striking paragraph (4);*

15 (B) *by redesignating paragraph (5) as*
16 *paragraph (4); and*

17 (C) *in paragraph (4), as so redesignated, by*
18 *striking “through (4)” and inserting “through*
19 *(3)”.*

20 (5) *COORDINATION OF DEPARTMENT OF HOME-*
21 *LAND SECURITY EFFORTS RELATED TO FOOD, AGRI-*
22 *CULTURE, AND VETERINARY DEFENSE AGAINST TER-*
23 *RORISM.—Section 528(a) of the Homeland Security*
24 *Act of 2002 (6 U.S.C. 321q(a)) is amended by strik-*

1 *ing “Health Affairs,” and inserting “the Countering*
2 *Weapons of Mass Destruction Office,”.*

3 *(g) DEPARTMENT OF HOMELAND SECURITY CHEM-*
4 *ICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR ACTIVI-*
5 *TIES.—Not later than 1 year after the date of enactment*
6 *of this Act and once every year thereafter, the Secretary*
7 *of Homeland Security shall provide a briefing and report*
8 *to the appropriate congressional committees (as defined in*
9 *section 2 of the Homeland Security Act of 2002 (6 U.S.C.*
10 *101) on—*

11 *(1) the organization and management of the*
12 *chemical, biological, radiological, and nuclear activi-*
13 *ties of the Department of Homeland Security, includ-*
14 *ing research and development activities, and the loca-*
15 *tion of each activity under the organizational struc-*
16 *ture of the Countering Weapons of Mass Destruction*
17 *Office;*

18 *(2) a comprehensive inventory of chemical, bio-*
19 *logical, radiological, and nuclear activities, including*
20 *research and development activities, of the Depart-*
21 *ment of Homeland Security, highlighting areas of col-*
22 *laboration between components, coordination with*
23 *other agencies, and the effectiveness and accomplish-*
24 *ments of consolidated chemical, biological, radio-*
25 *logical, and nuclear activities of the Department of*

1 *Homeland Security, including research and develop-*
2 *ment activities;*

3 (3) *information relating to how the organiza-*
4 *tional structure of the Countering Weapons of Mass*
5 *Destruction Office will enhance the development of*
6 *chemical, biological, radiological, and nuclear prior-*
7 *ities and capabilities across the Department of Home-*
8 *land Security;*

9 (4) *a discussion of any resulting cost savings*
10 *and efficiencies gained through activities described in*
11 *paragraphs (1) and (2); and*

12 (5) *recommendations for any necessary statutory*
13 *changes, or, if no statutory changes are necessary, an*
14 *explanation of why no statutory or organizational*
15 *changes are necessary.*

16 (h) *CLERICAL AMENDMENT.—The table of contents in*
17 *section 1(b) of the Homeland Security Act of 2002 (Public*
18 *Law 107–296; 116 Stat. 2135), as amended by subsection*
19 *(b), is amended—*

20 (1) *by inserting after the item relating to section*
21 *713 the following:*

“Sec. 714. Workforce health and medical support.”;

22 *and*

23 (2) *by striking the item relating to title XIX (in-*
24 *cluding items relating to section 1901 through section*
25 *1907) and inserting the following:*

“TITLE XIX—COUNTERING WEAPONS OF MASS DESTRUCTION
OFFICE

“Sec. 1900. Definitions.

“Subtitle A—Countering Weapons of Mass Destruction Office

“Sec. 1901. Countering Weapons of Mass Destruction Office.

“Subtitle B—Mission of the Office

“Sec. 1921. Mission of the Office.

“Sec. 1922. Relationship to other department entities and Federal agencies.

“Sec. 1923. Responsibilities.

“Sec. 1924. Hiring authority.

“Sec. 1925. Testing authority.

“Sec. 1926. Contracting and grant making authorities.

“Sec. 1927. Joint annual interagency review of global nuclear detection architecture.

“Subtitle C—Chief Medical Officer

“Sec. 1931. Chief Medical Officer.”.

1 (i) *SUNSET*.—

2 (1) *DEFINITION*.—In this subsection, the term
3 “sunset date” means the date that is 5 years after the
4 date of enactment of this Act.

5 (2) *AMENDMENTS*.—Effective on the sunset date:

6 (A) Title XIX of the Homeland Security Act
7 of 2002 (6 U.S.C. 591 et seq.) is amended—

8 (i) in the title heading, by striking

9 **“COUNTERING WEAPONS OF**
10 **MASS DESTRUCTION OFFICE”**

11 and inserting **“DOMESTIC NUCLEAR**
12 **DETECTION OFFICE”**;

13 (ii) by striking section 1900 and all
14 that follows through the end of section 1901
15 and inserting the following:

1 **“SEC. 1901. DOMESTIC NUCLEAR DETECTION OFFICE.**

2 “(a) *ESTABLISHMENT.*—*There shall be established in*
3 *the Department a Domestic Nuclear Detection Office (re-*
4 *ferred to in this title as the ‘Office’). The Secretary may*
5 *request that the Secretary of Defense, the Secretary of En-*
6 *ergy, the Secretary of State, the Attorney General, the Nu-*
7 *clear Regulatory Commission, and the directors of other*
8 *Federal agencies, including elements of the Intelligence*
9 *Community, provide for the reimbursable detail of per-*
10 *sonnel with relevant expertise to the Office.*

11 “(b) *DIRECTOR.*—*The Office shall be headed by a Di-*
12 *rector for Domestic Nuclear Detection, who shall be ap-*
13 *pointed by the President.”;*

14 *(iii) by redesignating sections 1923,*
15 *1924, 1925, 1926, and 1927 as sections*
16 *1902, 1903, 1904, 1906, and 1907, respec-*
17 *tively, and transferring such sections to ap-*
18 *pear after section 1901, as added by clause*
19 *(ii);*

20 *(iv) in section 1902, as so redesign-*
21 *ated—*

22 *(I) in the section heading by*
23 *striking “RESPONSIBILITIES” and*
24 *inserting “MISSION OF OFFICE”;*
25 *and*

1 (II) in subsection (a)(11), by
2 striking “Countering Weapons of Mass
3 Destruction Office” and inserting “Do-
4 mestic Nuclear Detection Office”;

5 (v) in section 1904(a), as so redesign-
6 ated, by striking “section 1923” and in-
7 serting “section 1902”;

8 (vi) by inserting after section 1904, as
9 redesignated and transferred by clause (iii),
10 the following:

11 **“SEC. 1905. RELATIONSHIP TO OTHER DEPARTMENT ENTI-**
12 **TIES AND FEDERAL AGENCIES.**

13 *“The authority of the Director under this title shall*
14 *not affect the authorities or responsibilities of any officer*
15 *of the Department or of any officer of any other department*
16 *or agency of the United States with respect to the command,*
17 *control, or direction of the functions, personnel, funds, as-*
18 *sets, and liabilities of any entity within the Department*
19 *or any Federal department or agency.”;*

20 (vii) in section 1906, as so redesign-
21 ated—

22 (I) by striking “section 1923(a)”
23 each place it appears and inserting
24 “section 1902(a)”; and

1 (ii) in the matter preceding para-
2 graph (1), by striking “Assistant Sec-
3 retary for the Countering Weapons of
4 Mass Destruction Office” and inserting
5 “Director for Domestic Nuclear Detec-
6 tion”; and
7 (viii) in section 1907, as so redesign-
8 ated—

9 (I) in subsection (a)(1)(C), in the
10 matter preceding clause (i), by striking
11 “Assistant Secretary for the Coun-
12 tering Weapons of Mass Destruction
13 Office” and inserting “Director of the
14 Domestic Nuclear Detection Office”;
15 and

16 (II) in subsection (c), by striking
17 “section 1923” and inserting “section
18 1902”; and

19 (ix) by striking the heading for subtitle
20 B and all that follows through the end of
21 section 1931.

22 (B) Title V of the Homeland Security Act
23 of 2002 (6 U.S.C. 311 et seq.) is amended by in-
24 serting after section 515 the following:

1 **“SEC. 516. CHIEF MEDICAL OFFICER.**

2 “(a) *IN GENERAL.*—*There is in the Department a*
3 *Chief Medical Officer, who shall be appointed by the Presi-*
4 *dent.*

5 “(b) *QUALIFICATIONS.*—*The individual appointed as*
6 *Chief Medical Officer shall possess a demonstrated ability*
7 *in and knowledge of medicine and public health.*

8 “(c) *RESPONSIBILITIES.*—*The Chief Medical Officer*
9 *shall have the primary responsibility within the Depart-*
10 *ment for medical issues related to natural disasters, acts*
11 *of terrorism, and other man-made disasters, including—*

12 “(1) *serving as the principal advisor to the Sec-*
13 *retary and the Administrator on medical and public*
14 *health issues;*

15 “(2) *coordinating the biodefense activities of the*
16 *Department;*

17 “(3) *ensuring internal and external coordination*
18 *of all medical preparedness and response activities of*
19 *the Department, including training, exercises, and*
20 *equipment support;*

21 “(4) *serving as the Department’s primary point*
22 *of contact with the Department of Agriculture, the*
23 *Department of Defense, the Department of Health and*
24 *Human Services, the Department of Transportation,*
25 *the Department of Veterans Affairs, and other Federal*

1 *departments or agencies, on medical and public*
2 *health issues;*

3 *“(5) serving as the Department’s primary point*
4 *of contact for State, local, and tribal governments, the*
5 *medical community, and others within and outside*
6 *the Department, with respect to medical and public*
7 *health matters;*

8 *“(6) discharging, in coordination with the Under*
9 *Secretary for Science and Technology, the responsibil-*
10 *ities of the Department related to Project Bioshield;*
11 *and*

12 *“(7) performing such other duties relating to*
13 *such responsibilities as the Secretary may require.”.*

14 *(C) Title VII of the Homeland Security Act*
15 *of 2002 (6 U.S.C. 341 et seq.) is amended by*
16 *striking section 714.*

17 *(D) Section 103(d) of the Homeland Secu-*
18 *rity Act of 2002 (6 U.S.C. 113(d)) is amended—*

19 *(i) by redesignating paragraph (4) as*
20 *paragraph (5); and*

21 *(ii) by inserting after paragraph (3)*
22 *the following:*

23 *“(4) A Director for Domestic Nuclear Detec-*
24 *tion.”.*

1 (E) Section 316(a) of the Homeland Secu-
2 rity Act of 2002 (6 U.S.C. 195b(a)) is amended
3 by striking “, acting through the Assistant Sec-
4 retary for the Countering Weapons of Mass De-
5 struction Office,”.

6 (F) Section 317(f) of the Homeland Secu-
7 rity Act of 2002 (6 U.S.C. 195c(f)) is amended
8 by striking “the Assistant Secretary for the
9 Countering Weapons of Mass Destruction Of-
10 fice,” and inserting “the Chief Medical Officer,”.

11 (G) Section 505(b) of the Homeland Secu-
12 rity Act of 2002 (6 U.S.C. 315(b)) is amended—

13 (i) by redesignating paragraph (4) as
14 paragraph (5);

15 (ii) by inserting after paragraph (3)
16 the following:

17 “(4) The Office of the Chief Medical Officer.”;

18 and

19 (iii) in paragraph (5), as so redesign-
20 ated, by striking “through (3)” and insert-
21 ing “through (4)”.

22 (H) Section 528(a) of the Homeland Secu-
23 rity Act of 2002 (6 U.S.C. 321q(a)) is amended
24 by striking “Health Affairs,” and inserting “the

1 *Countering Weapons of Mass Destruction Of-*
 2 *fice,*”.

3 *(I) The table of contents in section 1(b) of*
 4 *the Homeland Security Act of 2002 (Public Law*
 5 *107–296; 116 Stat. 2135) is amended—*

6 *(i) by inserting after the item relating*
 7 *to section 515 the following:*

 “*Sec. 516. Chief medical officer.*”;

8 *(ii) by striking the item relating to sec-*
 9 *tion 714; and*

10 *(iii) by striking the item relating to*
 11 *title XIX (including items relating to sec-*
 12 *tion 1900 through section 1931) and insert-*
 13 *ing the following:*

 “*TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE*

 “*Sec. 1901. Domestic Nuclear Detection Office.*

 “*Sec. 1902. Mission of Office.*

 “*Sec. 1903. Hiring authority.*

 “*Sec. 1904. Testing authority.*

 “*Sec. 1905. Relationship to other Department entities and Federal agencies.*

 “*Sec. 1906. Contracting and grant making authorities.*

 “*Sec. 1907. Joint annual interagency review of global nuclear detection architec-*
 ture.”.

14 *(3) THIS ACT.—Effective on the sunset date, sub-*
 15 *sections (a) through (h) of this section, and the*
 16 *amendments made by such subsections, shall have no*
 17 *force or effect.*

18 *(4) TRANSFERS; ABOLISHMENT.—*

19 *(A) TRANSFERS.—The Secretary of Home-*
 20 *land Security shall transfer—*

1 (i) to the Domestic Nuclear Detection
2 Office, all functions, personnel, budget au-
3 thority, and assets of the Countering Weap-
4 ons of Mass Destruction Office, as in exist-
5 ence on the day before the sunset date, ex-
6 cept for the functions, personnel, budget au-
7 thority, and assets that were transferred to
8 the Countering Weapons of Mass Destruc-
9 tion Office under subsection (e)(1)(A)(i);
10 and

11 (ii) to the Office of Health Affairs, the
12 functions, personnel, budget authority, and
13 assets that were transferred to the Coun-
14 tering Weapons of Mass Destruction Office
15 under subsection (e)(1)(A)(ii) or to the Di-
16 rectorate of Management under subsection
17 (e)(1)(B).

18 (B) *ABOLISHMENT.*—Upon completion of
19 all transfers pursuant to subparagraph (A)—

20 (i) the Countering Weapons of Mass
21 Destruction Office of the Department of
22 Homeland Security is abolished; and

23 (ii) the position of Assistant Secretary
24 for the Countering Weapons of Mass De-
25 struction Office is abolished.

1 **SEC. 1118. ACTIVITIES RELATED TO INTERNATIONAL**
2 **AGREEMENTS; ACTIVITIES RELATED TO CHIL-**
3 **DREN.**

4 *Section 708(c) of the Homeland Security Act of 2002,*
5 *as so redesignated by section 1142 of this Act, is amended—*

6 *(1) by redesignating paragraphs (6) and (7) as*
7 *paragraphs (7) and (8), respectively;*

8 *(2) by inserting after paragraph (5) the fol-*
9 *lowing:*

10 *“(6) enter into agreements with governments of*
11 *other countries, in consultation with the Secretary of*
12 *State or the head of another agency, as appropriate,*
13 *international organizations, and international non-*
14 *governmental organizations in order to achieve the*
15 *missions of the Department;”;* and

16 *(3) in paragraph (7), as so redesignated, by in-*
17 *serting “, including feedback from organizations rep-*
18 *resenting the needs of children,” after “stakeholder*
19 *feedback”.*

20 **SEC. 1119. CANINE DETECTION RESEARCH AND DEVELOP-**
21 **MENT.**

22 *(a) IN GENERAL.—Title III of the Homeland Security*
23 *Act of 2002 (6 U.S.C. 181 et seq.), as amended by section*
24 *1601 of this Act, is amended by adding at the end the fol-*
25 *lowing:*

1 **“SEC. 321. CANINE DETECTION RESEARCH AND DEVELOP-**
2 **MENT.**

3 “(a) *IN GENERAL.*—*In furtherance of domestic pre-*
4 *paredness and response, the Secretary, acting through the*
5 *Under Secretary for Science and Technology, and in con-*
6 *sultation with other relevant executive agencies, relevant*
7 *State, local, and tribal governments, and academic and in-*
8 *dustry stakeholders, shall, to the extent practicable, conduct*
9 *research and development of canine detection technology to*
10 *mitigate the risk of the threats of existing and emerging*
11 *weapons of mass destruction.*

12 “(b) *SCOPE.*—*The scope of the research and develop-*
13 *ment under subsection (a) may include the following:*

- 14 “(1) *Canine-based sensing technologies.*
- 15 “(2) *Chem-Bio defense technologies.*
- 16 “(3) *New dimensions of olfaction biology.*
- 17 “(4) *Novel chemical sensing technologies.*
- 18 “(5) *Advances in metabolomics and volatilomics.*
- 19 “(6) *Advances in gene therapy, phenomics, and*
20 *molecular medicine.*
- 21 “(7) *Reproductive science and technology.*
- 22 “(8) *End user techniques, tactics, and proce-*
23 *dures.*
- 24 “(9) *National security policies, standards and*
25 *practices for canine sensing technologies.*

1 “(10) *Protective technology, medicine, and treat-*
2 *ments for the canine detection platform.*

3 “(11) *Domestic capacity and standards develop-*
4 *ment.*

5 “(12) *Emerging threat detection.*

6 “(13) *Training aids.*

7 “(14) *Genetic, behavioral, and physiological op-*
8 *timization of the canine detection platform.*

9 “(c) *COORDINATION AND COLLABORATION.—The Sec-*
10 *retary, acting through the Under Secretary for Science and*
11 *Technology, shall ensure research and development activi-*
12 *ties are conducted in coordination and collaboration with*
13 *academia, all levels of government, and private sector stake-*
14 *holders.*

15 “(d) *AUTHORIZATION OF APPROPRIATIONS.—There*
16 *are authorized to be appropriated such sums as are nec-*
17 *essary to carry out this section.”.*

18 “(b) *TABLE OF CONTENTS AMENDMENT.—The table of*
19 *contents in section 1(b) of the Homeland Security Act of*
20 *2002 (Public Law 107–296; 116 Stat. 2135), as amended*
21 *by this Act, is amended by inserting after the item relating*
22 *to section 320 the following:*

 “*Sec. 321. Canine detection research and development.*”.

1 ***Subtitle B—Human Resources and***
2 ***Other Matters***

3 ***SEC. 1131. CHIEF HUMAN CAPITAL OFFICER RESPONSIBIL-***
4 ***ITIES.***

5 *Section 704 of the Homeland Security Act of 2002 (6*
6 *U.S.C. 344) is amended—*

7 *(1) in subsection (b)—*

8 *(A) in paragraph (1)—*

9 *(i) by striking “and in line” and in-*
10 *serting “, in line”; and*

11 *(ii) by inserting “and informed by suc-*
12 *cessful practices within the Federal Govern-*
13 *ment and the private sector,” after “prior-*
14 *ities,”;*

15 *(B) in paragraph (2), by striking “develop*
16 *performance measures to provide a basis for*
17 *monitoring and evaluating” and inserting “de-*
18 *velop performance measures to monitor and*
19 *evaluate on an ongoing basis,”;*

20 *(C) in paragraph (4), by inserting “includ-*
21 *ing leader development and employee engagement*
22 *programs,” before “in coordination”;*

23 *(D) by redesignating paragraphs (9) and*
24 *(10) as paragraphs (14) and (15), respectively;*

1 (E) by redesignating paragraphs (3)
2 through (8) as paragraphs (4) through (9), re-
3 spectively;

4 (F) by inserting after paragraph (2) the fol-
5 lowing:

6 “(3) assess the need of administrative and mis-
7 sion support staff across the Department, to identify
8 and eliminate the unnecessary use of mission-critical
9 staff for administrative and mission support posi-
10 tions;”;

11 (G) in paragraph (6), as so redesignated, by
12 inserting before the semicolon at the end the fol-
13 lowing: “that is informed by appropriate work-
14 force planning initiatives”; and

15 (H) by inserting after paragraph (9), as so
16 redesignated, the following:

17 “(10) maintain a catalogue of available em-
18 ployee development opportunities easily accessible to
19 employees of the Department, including departmental
20 leadership development programs, interagency devel-
21 opment programs, and rotational programs;

22 “(11) approve the selection and organizational
23 placement of each senior human capital official of
24 each component of the Department and participate in

1 *the periodic performance reviews of each such senior*
2 *human capital official;*

3 “(12) *assess the success of the Department and*
4 *the components of the Department regarding efforts to*
5 *recruit and retain employees in rural and remote*
6 *areas, and make policy recommendations as appro-*
7 *priate to the Secretary and to Congress;*

8 “(13) *develop performance measures to monitor*
9 *and evaluate on an ongoing basis any significant*
10 *contracts issued by the Department or a component of*
11 *the Department to a private entity regarding the re-*
12 *ruitment, hiring, or retention of employees;”.*

13 **SEC. 1132. EMPLOYEE ENGAGEMENT AND RETENTION AC-**
14 **TION PLAN.**

15 (a) *IN GENERAL.*—*Title VII of the Homeland Security*
16 *Act of 2002 (6 U.S.C. 341 et seq.), as amended by section*
17 *1117, is amended by adding at the end the following:*

18 **“SEC. 715. EMPLOYEE ENGAGEMENT AND RETENTION AC-**
19 **TION PLAN.**

20 “(a) *IN GENERAL.*—*The Secretary shall—*

21 “(1) *not later than 180 days after the date of en-*
22 *actment of this section, and not later than September*
23 *30 of each fiscal year thereafter, issue a Department-*
24 *wide employee engagement and retention action plan*
25 *to inform and execute strategies for improving em-*

1 *ployee engagement, employee retention, Department*
2 *management and leadership, diversity and inclusion*
3 *efforts, employee morale, training and development*
4 *opportunities, and communications within the De-*
5 *partment, which shall reflect—*

6 *“(A) input from representatives from oper-*
7 *ational components, headquarters, and field per-*
8 *sonnel, including supervisory and non-super-*
9 *visory personnel, and employee labor organiza-*
10 *tions that represent employees of the Depart-*
11 *ment;*

12 *“(B) employee feedback provided through*
13 *annual employee surveys, questionnaires, and*
14 *other communications; and*

15 *“(C) performance measures, milestones, and*
16 *objectives that reflect the priorities and strategies*
17 *of the action plan to improve employee engage-*
18 *ment and retention; and*

19 *“(2) require the head of each operational compo-*
20 *nent of the Department to—*

21 *“(A) develop and implement a component-*
22 *specific employee engagement and retention plan*
23 *to advance the action plan required under para-*
24 *graph (1) that includes performance measures*
25 *and objectives, is informed by employee feedback*

1 *provided through annual employee surveys, ques-*
2 *tionnaires, and other communications, as appro-*
3 *priate, and sets forth how employees and, if ap-*
4 *plicable, their labor representatives are to be in-*
5 *tegrated in developing programs and initiatives;*

6 *“(B) monitor progress on implementation of*
7 *such action plan; and*

8 *“(C) provide to the Chief Human Capital*
9 *Officer quarterly reports on actions planned and*
10 *progress made under this paragraph.*

11 *“(b) RULE OF CONSTRUCTION.—Nothing in this sec-*
12 *tion shall be construed to limit the ability of the depart-*
13 *mental or component leadership from developing innovative*
14 *approaches and strategies to employee engagement or reten-*
15 *tion not specifically required under this section.*

16 *“(c) REPEAL.—This section shall be repealed on the*
17 *date that is 5 years after the date of enactment of this sec-*
18 *tion.”.*

19 *(b) CLERICAL AMENDMENT.—*

20 *(1) IN GENERAL.—The table of contents in sec-*
21 *tion 1(b) of the Homeland Security Act of 2002 (Pub-*
22 *lic Law 107–296; 116 Stat. 2135), as amended by sec-*
23 *tion 1117, is amended by inserting after the item re-*
24 *lated to section 714 the following:*

“Sec. 715. Employee engagement and retention plan.”.

1 (2) *REPEAL.*—*The amendment made by para-*
2 *graph (1) shall be repealed on the date that is 5 years*
3 *after the date of enactment of this Act.*

4 (c) *SUBMISSIONS TO CONGRESS.*—

5 (1) *DEPARTMENT-WIDE EMPLOYEE ENGAGEMENT*
6 *ACTION PLAN.*—*Not later than 2 years after the date*
7 *of enactment of this Act, and once 2 years thereafter,*
8 *the Secretary of Homeland Security shall submit to*
9 *the Committee on Homeland Security of the House of*
10 *Representatives and the Committee on Homeland Se-*
11 *curity and Governmental Affairs of the Senate the*
12 *Department-wide employee engagement action plan*
13 *required under section 715 of the Homeland Security*
14 *Act of 2002, as added by subsection (a).*

15 (2) *COMPONENT-SPECIFIC EMPLOYEE ENGAGE-*
16 *MENT PLANS.*—*Each head of a component of the De-*
17 *partment of Homeland Security shall submit to the*
18 *Committee on Homeland Security of the House of*
19 *Representatives and the Committee on Homeland Se-*
20 *curity and Governmental Affairs of the Senate the*
21 *component-specific employee engagement plan of each*
22 *such component required under section 715(a)(2) of*
23 *the Homeland Security Act of 2002 (as added by sub-*
24 *section (a)) not later than 30 days after the issuance*
25 *of each such plan under such section 715(a)(2).*

1 **SEC. 1133. REPORT DISCUSSING SECRETARY'S RESPON-**
2 **SIBILITIES, PRIORITIES, AND AN ACCOUNT-**
3 **ING OF THE DEPARTMENT'S WORK REGARD-**
4 **ING ELECTION INFRASTRUCTURE.**

5 (a) *IN GENERAL.*—*The Secretary of Homeland Secu-*
6 *riety shall continue to prioritize the provision of assistance,*
7 *as appropriate and on a voluntary basis, to State and local*
8 *election officials in recognition of the importance of election*
9 *infrastructure to the United States.*

10 (b) *REPORTS.*—*Not later than 1 year after the date*
11 *of enactment of this Act, and once each year thereafter, the*
12 *Secretary of Homeland Security shall submit to the Com-*
13 *mittee on Homeland Security and Governmental Affairs of*
14 *the Senate and the Committee on Homeland Security of the*
15 *House of Representatives a report detailing—*

16 (1) *the responsibilities of the Secretary of Home-*
17 *land Security for coordinating the election infrastruc-*
18 *ture critical infrastructure subsector;*

19 (2) *the priorities of the Secretary of Homeland*
20 *Security for enhancing the security of election infra-*
21 *structure over the next 1- and 5-year periods that in-*
22 *corporates lessons learned, best practices, and obsta-*
23 *cles from the previous year; and*

24 (3) *a summary of the election infrastructure*
25 *work of the Department with each State, unit of local*
26 *government, and tribal and territorial government, as*

1 *well as with the Government Coordinating Council*
2 *and the Sector Coordinating Council, and interaction*
3 *with other Federal departments and agencies.*

4 *(c) FORM OF REPORTS.—Each report submitted under*
5 *subsection (b) shall be unclassified, but may be accompanied*
6 *by a classified annex, if necessary.*

7 *(d) INITIAL REPORT.—The first report submitted*
8 *under subsection (b) shall examine the period beginning on*
9 *January 6, 2017 through the required reporting period.*

10 **SEC. 1134. POLICY, GUIDANCE, TRAINING, AND COMMU-**
11 **UNICATION REGARDING LAW ENFORCEMENT**
12 **PERSONNEL.**

13 *(a) IN GENERAL.—The Secretary of Homeland Secu-*
14 *rity (in this section referred to as the “Secretary”) shall*
15 *conduct an inventory and assessment of training provided*
16 *to all law enforcement personnel of the Department of*
17 *Homeland Security (referred to in this section as the “De-*
18 *partment”), including use of force training, and develop*
19 *and implement a strategic plan to—*

20 *(1) enhance, modernize, and expand training*
21 *and continuing education for law enforcement per-*
22 *sonnel; and*

23 *(2) eliminate duplication and increase effi-*
24 *ciencies in training and continuing education pro-*
25 *grams.*

1 (b) *FACTORS.*—*In carrying out subsection (a), the Sec-*
2 *retary shall take into account the follow factors:*

3 (1) *The hours of training provided to law en-*
4 *forcement personnel and whether such hours should be*
5 *increased.*

6 (2) *The hours of continuing education provided*
7 *to law enforcement personnel, and whether such hours*
8 *should be increased.*

9 (3) *The quality of training and continuing edu-*
10 *cation programs and whether the programs are in*
11 *line with current best practices and standards.*

12 (4) *The use of technology for training and con-*
13 *tinuing education purposes, and whether such tech-*
14 *nology should be modernized and expanded.*

15 (5) *Reviews of training and education programs*
16 *by law enforcement personnel, and whether such pro-*
17 *grams maximize their ability to carry out the mission*
18 *of their components and meet the highest standards of*
19 *professionalism and integrity.*

20 (6) *Whether there is duplicative or overlapping*
21 *training and continuing education programs, and*
22 *whether such programs can be streamlined to reduce*
23 *costs and increase efficiencies.*

24 (c) *INPUT.*—*The Secretary shall work with relevant*
25 *components of the Department to take into account feedback*

1 *provided by law enforcement personnel (including non-*
2 *supervisory personnel and employee labor organizations),*
3 *community stakeholders, the Office of Science and Tech-*
4 *nology, and the Office for Civil Rights and Civil Liberties*
5 *in carrying out the assessment of, and developing and im-*
6 *plementing the strategic plan with respect to, training and*
7 *continuing education programs under subsection (a).*

8 *(d) REPORT.—Not later than 1 year after the date of*
9 *enactment of this Act, the Secretary shall submit to the*
10 *Chairman and Ranking Minority Member of the Committee*
11 *on Homeland Security and Governmental Affairs of the*
12 *Senate and the Chairman and Ranking Minority Member*
13 *of the Committee on Homeland Security of the House of*
14 *Representatives an evaluation of the assessment of, and the*
15 *development and implementation of the strategic plan with*
16 *respect to, training and continuing education programs*
17 *under subsection (a).*

18 *(e) ASSESSMENT.—Not later than 2 years after the*
19 *date of enactment of this Act, the Comptroller General of*
20 *the United States shall submit to the Chairman and Rank-*
21 *ing Minority Member of the Committee on Homeland Secu-*
22 *rity and Governmental Affairs of the Senate and the Chair-*
23 *man and Ranking Minority Member of the Committee on*
24 *Homeland Security of the House of Representatives a report*
25 *that evaluates the assessment of, and the development and*

1 *implementation of the strategic plan with respect to, train-*
2 *ing and continuing education programs under subsection*
3 *(a).*

4 *(f) TIMELY GUIDANCE, COMMUNICATIONS, AND TRAIN-*
5 *ING REGARDING POLICY CHANGES AFFECTING THE CON-*
6 *DUCT OF LAW ENFORCEMENT AND ENGAGEMENT WITH*
7 *MEMBERS OF THE PUBLIC.—*

8 *(1) DEFINITION.—In this subsection, the term*
9 *“covered order” means any executive order, guidance,*
10 *directive, or memorandum that changes policies re-*
11 *garding the conduct of law enforcement or engage-*
12 *ment with members of the public by law enforcement*
13 *personnel.*

14 *(2) REQUIREMENTS.—The Secretary, in coordi-*
15 *nation with the head of each affected law enforcement*
16 *component of the Department and in consultation*
17 *with career executives in each affected component,*
18 *shall—*

19 *(A) as expeditiously as possible, and not*
20 *later than 45 days following the effective date of*
21 *any covered order—*

22 *(i) publish written documents detailing*
23 *plans for the implementation of the covered*
24 *order;*

1 (ii) develop and implement a strategy
2 to communicate clearly with all law en-
3 forcement personnel actively engaged in core
4 law enforcement activities, both in super-
5 visory and nonsupervisory positions, and to
6 provide prompt responses to questions and
7 concerns raised by such personnel, about the
8 covered order; and

9 (iii) develop and implement a detailed
10 plan to ensure that all law enforcement per-
11 sonnel actively engaged in core law enforce-
12 ment activities are sufficiently and appro-
13 priately trained on any new policies re-
14 garding the conduct of law enforcement or
15 engagement with members of the public re-
16 sulting from the covered order; and

17 (B) submit to the Chairman and Ranking
18 Minority Member of the Committee on Homeland
19 Security and Governmental Affairs of the Senate
20 and the Chairman and Ranking Minority Mem-
21 ber of the Committee on Homeland Security of
22 the House of Representatives a report—

23 (i) not later than 30 days after the ef-
24 fective date of any covered order, that ex-
25 plains and provides a plan to remedy any

1 *delay in taking action under subparagraph*
2 *(A); and*
3 *(ii) not later than 60 days after the ef-*
4 *fective date of any covered order, that de-*
5 *scribes the actions taken by the Secretary*
6 *under subparagraph (A).*

7 **SEC. 1135. HACK DHS BUG BOUNTY PILOT PROGRAM.**

8 *(a) DEFINITIONS.—In this section:*

9 *(1) BUG BOUNTY PROGRAM.—The term “bug*
10 *bounty program” means a program under which an*
11 *approved individual, organization, or company is*
12 *temporarily authorized to identify and report*
13 *vulnerabilities of Internet-facing information tech-*
14 *nology of the Department in exchange for compensa-*
15 *tion.*

16 *(2) DEPARTMENT.—The term “Department”*
17 *means the Department of Homeland Security.*

18 *(3) INFORMATION TECHNOLOGY.—The term “in-*
19 *formation technology” has the meaning given the term*
20 *in section 11101 of title 40, United States Code.*

21 *(4) PILOT PROGRAM.—The term “pilot program”*
22 *means the bug bounty pilot program required to be*
23 *established under subsection (b)(1).*

24 *(5) SECRETARY.—The term “Secretary” means*
25 *the Secretary of Homeland Security.*

1 **(b) ESTABLISHMENT OF PILOT PROGRAM.—**

2 **(1) IN GENERAL.—***Not later than 180 days after*
3 *the date of enactment of this Act, the Secretary shall*
4 *establish, within the Office of the Chief Information*
5 *Officer, a bug bounty pilot program to minimize*
6 *vulnerabilities of Internet-facing information tech-*
7 *nology of the Department.*

8 **(2) REQUIREMENTS.—***In establishing the pilot*
9 *program, the Secretary shall—*

10 **(A)** *provide compensation for reports of pre-*
11 *viously unidentified security vulnerabilities*
12 *within the websites, applications, and other*
13 *Internet-facing information technology of the De-*
14 *partment that are accessible to the public;*

15 **(B)** *award a competitive contract to an en-*
16 *tity, as necessary, to manage the pilot program*
17 *and for executing the remediation of*
18 *vulnerabilities identified as a consequence of the*
19 *pilot program;*

20 **(C)** *designate mission-critical operations*
21 *within the Department that should be excluded*
22 *from the pilot program;*

23 **(D)** *consult with the Attorney General on*
24 *how to ensure that approved individuals, organi-*
25 *zations, or companies that comply with the re-*

1 *quirements of the pilot program are protected*
2 *from prosecution under section 1030 of title 18,*
3 *United States Code, and similar provisions of*
4 *law for specific activities authorized under the*
5 *pilot program;*

6 *(E) consult with the relevant offices at the*
7 *Department of Defense that were responsible for*
8 *launching the 2016 “Hack the Pentagon” pilot*
9 *program and subsequent Department of Defense*
10 *bug bounty programs;*

11 *(F) develop an expeditious process by which*
12 *an approved individual, organization, or com-*
13 *pany can register with the entity described in*
14 *subparagraph (B), submit to a background check*
15 *as determined by the Department, and receive a*
16 *determination as to eligibility for participation*
17 *in the pilot program; and*

18 *(G) engage qualified interested persons, in-*
19 *cluding non-government sector representatives,*
20 *about the structure of the pilot program as con-*
21 *structive and to the extent practicable.*

22 *(c) REPORT.—Not later than 180 days after the date*
23 *on which the pilot program is completed, the Secretary shall*
24 *submit to the Committee on Homeland Security and Gov-*
25 *ernmental Affairs of the Senate and the Committee on*

1 *Homeland Security of the House of Representatives a report*
2 *on the pilot program, which shall include—*

3 *(1) the number of approved individuals, organi-*
4 *zations, or companies involved in the pilot program,*
5 *broken down by the number of approved individuals,*
6 *organizations, or companies that—*

7 *(A) registered;*

8 *(B) were approved;*

9 *(C) submitted security vulnerabilities; and*

10 *(D) received compensation;*

11 *(2) the number and severity of vulnerabilities re-*
12 *ported as part of the pilot program;*

13 *(3) the number of previously unidentified secu-*
14 *rity vulnerabilities remediated as a result of the pilot*
15 *program;*

16 *(4) the current number of outstanding previously*
17 *unidentified security vulnerabilities and Department*
18 *remediation plans;*

19 *(5) the average length of time between the report-*
20 *ing of security vulnerabilities and remediation of the*
21 *vulnerabilities;*

22 *(6) the types of compensation provided under the*
23 *pilot program; and*

24 *(7) the lessons learned from the pilot program.*

1 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
2 *authorized to be appropriated to the Department \$250,000*
3 *for fiscal year 2018 to carry out this section.*

4 **SEC. 1136. COST SAVINGS ENHANCEMENTS.**

5 (a) *IN GENERAL.*—

6 (1) *AMENDMENT.*—*Subchapter II of chapter 45*
7 *of title 5, United States Code, is amended by insert-*
8 *ing after section 4512 the following:*

9 **“§4512A. Department of Homeland Security awards**
10 **for cost savings disclosures**

11 “(a) *In this section, the term ‘surplus operations and*
12 *support funds’ means amounts made available for the oper-*
13 *ations and support account, or equivalent account, of the*
14 *Department of Homeland Security, or a component there-*
15 *of—*

16 “(1) *that are identified by an employee of the*
17 *Department of Homeland Security under subsection*

18 *(b) as unnecessary;*

19 “(2) *that the Inspector General of the Depart-*
20 *ment of Homeland Security determines are not re-*
21 *quired for the purpose for which the amounts were*
22 *made available;*

23 “(3) *that the Chief Financial Officer of the De-*
24 *partment of Homeland Security determines are not*

1 *required for the purpose for which the amounts were*
2 *made available; and*

3 *“(4) the rescission of which would not be detri-*
4 *mental to the full execution of the purposes for which*
5 *the amounts were made available.*

6 *“(b) The Inspector General of the Department of*
7 *Homeland Security may pay a cash award to any employee*
8 *of the Department of Homeland Security whose disclosure*
9 *of fraud, waste, or mismanagement or identification of sur-*
10 *plus operations and support funds to the Inspector General*
11 *of the Department of Homeland Security has resulted in*
12 *cost savings for the Department of Homeland Security. The*
13 *amount of an award under this section may not exceed the*
14 *lesser of—*

15 *“(1) \$10,000; or*

16 *“(2) an amount equal to 1 percent of the Depart-*
17 *ment of Homeland Security’s cost savings which the*
18 *Inspector General determines to be the total savings*
19 *attributable to the employee’s disclosure or identifica-*
20 *tion.*

21 *For purposes of paragraph (2), the Inspector General may*
22 *take into account Department of Homeland Security cost*
23 *savings projected for subsequent fiscal years which will be*
24 *attributable to such disclosure or identification.*

1 “(c)(1) *The Inspector General of the Department of*
2 *Homeland Security shall refer to the Chief Financial Offi-*
3 *cer of the Department of Homeland Security any potential*
4 *surplus operations and support funds identified by an em-*
5 *ployee that the Inspector General determines meets the re-*
6 *quirements under paragraphs (2) and (4) of subsection (a),*
7 *along with any recommendations of the Inspector General.*

8 “(2)(A) *If the Chief Financial Officer of the Depart-*
9 *ment of Homeland Security determines that potential sur-*
10 *plus operations and support funds referred under para-*
11 *graph (1) meet the requirements under subsection (a), ex-*
12 *cept as provided in subsection (d), the Secretary of Home-*
13 *land Security shall transfer the amount of the surplus oper-*
14 *ations and support funds from the applicable appropria-*
15 *tions account to the general fund of the Treasury.*

16 “(B) *Any amounts transferred under subparagraph*
17 *(A) shall be deposited in the Treasury and used for deficit*
18 *reduction, except that in the case of a fiscal year for which*
19 *there is no Federal budget deficit, such amounts shall be*
20 *used to reduce the Federal debt (in such manner as the Sec-*
21 *retary of the Treasury considers appropriate).*

22 “(3) *The Inspector General of the Department of*
23 *Homeland Security and the Chief Financial Officer of the*
24 *Department of Homeland Security shall issue standards*
25 *and definitions for purposes of making determinations re-*

1 *lating to potential surplus operations and support funds*
2 *identified by an employee under this subsection.*

3 “(d)(1) *The Secretary of Homeland Security may re-*
4 *tain not more than 10 percent of amounts to be transferred*
5 *to the general fund of the Treasury under subsection (c)(2).*

6 “(2) *Amounts retained by the Secretary of Homeland*
7 *Security under paragraph (1) may be—*

8 “(A) *used for the purpose of paying a cash*
9 *award under subsection (b) to one or more employees*
10 *who identified the surplus operations and support*
11 *funds; and*

12 “(B) *to the extent amounts remain after paying*
13 *cash awards under subsection (b), transferred or re-*
14 *programmed for use by the Department of Homeland*
15 *Security, in accordance with any limitation on such*
16 *a transfer or reprogramming under any other provi-*
17 *sion of law.*

18 “(e)(1) *Not later than October 1 of each fiscal year,*
19 *the Secretary of Homeland Security shall submit to the Sec-*
20 *retary of the Treasury a report identifying the total savings*
21 *achieved during the previous fiscal year through disclosures*
22 *of possible fraud, waste, or mismanagement and identifica-*
23 *tions of surplus operations and support funds by an em-*
24 *ployee.*

1 “(2) Not later than September 30 of each fiscal year,
2 the Secretary of Homeland Security shall submit to the Sec-
3 retary of the Treasury a report that, for the previous fiscal
4 year—

5 “(A) describes each disclosure of possible fraud,
6 waste, or mismanagement or identification of poten-
7 tially surplus operations and support funds by an
8 employee of the Department of Homeland Security
9 determined by the Department of Homeland Security
10 to have merit; and

11 “(B) provides the number and amount of cash
12 awards by the Department of Homeland Security
13 under subsection (b).

14 “(3) The Secretary of Homeland Security shall include
15 the information described in paragraphs (1) and (2) in each
16 budget request of the Department of Homeland Security
17 submitted to the Office of Management and Budget as part
18 of the preparation of the budget of the President submitted
19 to Congress under section 1105(a) of title 31.

20 “(4) The Secretary of the Treasury shall submit to the
21 Committee on Appropriations of the Senate, the Committee
22 on Appropriations of the House of Representatives, and the
23 Government Accountability Office an annual report on Fed-
24 eral cost saving and awards based on the reports submitted
25 under paragraphs (1) and (2).

1 “(f) *The Director of the Office of Personnel Manage-*
2 *ment shall—*

3 “(1) *ensure that the cash award program of the*
4 *Department of Homeland Security complies with this*
5 *section; and*

6 “(2) *submit to Congress an annual certification*
7 *indicating whether the cash award program of the*
8 *Department of Homeland Security complies with this*
9 *section.*

10 “(g) *Not later than 3 years after the date of enactment*
11 *of this section, and every 3 years thereafter, the Comptroller*
12 *General of the United States shall submit to Congress a re-*
13 *port on the operation of the cost savings and awards pro-*
14 *gram under this section, including any recommendations*
15 *for legislative changes.”.*

16 (2) *TECHNICAL AND CONFORMING AMEND-*
17 *MENT.—The table of sections for subchapter II of*
18 *chapter 45 of title 5, United States Code, is amended*
19 *by inserting after the item relating to section 4512 the*
20 *following:*

“4512A. Department of Homeland Security awards for cost savings disclosures.”.

21 (3) *SUNSET.—Effective 6 years after the date of*
22 *enactment of this Act, subchapter II of chapter 45 of*
23 *title 5, United States Code, is amended—*

24 *(A) by striking section 4512A; and*

1 (B) in the table of sections, by striking the
2 item relating to section 4512A.

3 (b) *OFFICERS ELIGIBLE FOR CASH AWARDS.*—Section
4 4509 of title 5, United States Code, is amended—

5 (1) by inserting “(a)” before “No officer”; and

6 (2) by adding at the end the following:

7 “(b) The Secretary of Homeland Security may not re-
8 ceive a cash award under this subchapter.”.

9 **SEC. 1137. CYBERSECURITY RESEARCH AND DEVELOPMENT**
10 **PROJECTS.**

11 (a) *CYBERSECURITY RESEARCH AND DEVELOP-*
12 *MENT.*—

13 (1) *IN GENERAL.*—Title III of the Homeland Se-
14 curity Act of 2002 (6 U.S.C. 181 et seq.), as amended
15 by section 1119 of this Act, is amended by adding at
16 the end the following:

17 **“SEC. 322. CYBERSECURITY RESEARCH AND DEVELOPMENT.**

18 “(a) *IN GENERAL.*—The Under Secretary for Science
19 and Technology shall support the research, development,
20 testing, evaluation, and transition of cybersecurity tech-
21 nologies, including fundamental research to improve the
22 sharing of information, information security, analytics,
23 and methodologies related to cybersecurity risks and inci-
24 dents, consistent with current law.

1 “(b) *ACTIVITIES.*—*The research and development sup-*
2 *ported under subsection (a) shall serve the components of*
3 *the Department and shall—*

4 “(1) *advance the development and accelerate the*
5 *deployment of more secure information systems;*

6 “(2) *improve and create technologies for detect-*
7 *ing and preventing attacks or intrusions, including*
8 *real-time continuous diagnostics, real-time analytic*
9 *technologies, and full life cycle information protection;*

10 “(3) *improve and create mitigation and recovery*
11 *methodologies, including techniques and policies for*
12 *real-time containment of attacks and development of*
13 *resilient networks and information systems;*

14 “(4) *assist the development and support infra-*
15 *structure and tools to support cybersecurity research*
16 *and development efforts, including modeling, testbeds,*
17 *and data sets for assessment of new cybersecurity*
18 *technologies;*

19 “(5) *assist the development and support of tech-*
20 *nologies to reduce vulnerabilities in industrial control*
21 *systems;*

22 “(6) *assist the development and support cyber*
23 *forensics and attack attribution capabilities;*

24 “(7) *assist the development and accelerate the de-*
25 *ployment of full information life cycle security tech-*

1 *nologies to enhance protection, control, and privacy of*
2 *information to detect and prevent cybersecurity risks*
3 *and incidents;*

4 *“(8) assist the development and accelerate the de-*
5 *ployment of information security measures, in addi-*
6 *tion to perimeter-based protections;*

7 *“(9) assist the development and accelerate the de-*
8 *ployment of technologies to detect improper informa-*
9 *tion access by authorized users;*

10 *“(10) assist the development and accelerate the*
11 *deployment of cryptographic technologies to protect*
12 *information at rest, in transit, and in use;*

13 *“(11) assist the development and accelerate the*
14 *deployment of methods to promote greater software as-*
15 *urance;*

16 *“(12) assist the development and accelerate the*
17 *deployment of tools to securely and automatically up-*
18 *date software and firmware in use, with limited or no*
19 *necessary intervention by users and limited impact*
20 *on concurrently operating systems and processes; and*

21 *“(13) assist in identifying and addressing un-*
22 *identified or future cybersecurity threats.*

23 *“(c) COORDINATION.—In carrying out this section, the*
24 *Under Secretary for Science and Technology shall coordi-*
25 *nate activities with—*

1 “(1) *the Director of Cybersecurity and Infra-*
2 *structure Security;*

3 “(2) *the heads of other relevant Federal depart-*
4 *ments and agencies, as appropriate; and*

5 “(3) *industry and academia.*

6 “(d) *TRANSITION TO PRACTICE.—The Under Secretary*
7 *for Science and Technology shall—*

8 “(1) *support projects carried out under this title*
9 *through the full life cycle of such projects, including*
10 *research, development, testing, evaluation, pilots, and*
11 *transitions;*

12 “(2) *identify mature technologies that address*
13 *existing or imminent cybersecurity gaps in public or*
14 *private information systems and networks of informa-*
15 *tion systems, protect sensitive information within and*
16 *outside networks of information systems, identify and*
17 *support necessary improvements identified during*
18 *pilot programs and testing and evaluation activities,*
19 *and introduce new cybersecurity technologies through-*
20 *out the homeland security enterprise through partner-*
21 *ships and commercialization; and*

22 “(3) *target federally funded cybersecurity re-*
23 *search that demonstrates a high probability of success-*
24 *ful transition to the commercial market within 2*
25 *years and that is expected to have a notable impact*

1 *on the public or private information systems and net-*
2 *works of information systems.*

3 “(e) *DEFINITIONS.—In this section:*

4 “(1) *CYBERSECURITY RISK.—The term ‘cyberse-*
5 *curity risk’ has the meaning given the term in section*
6 *2209.*

7 “(2) *HOMELAND SECURITY ENTERPRISE.—The*
8 *term ‘homeland security enterprise’ means relevant*
9 *governmental and nongovernmental entities involved*
10 *in homeland security, including Federal, State, local,*
11 *and tribal government officials, private sector rep-*
12 *resentatives, academics, and other policy experts.*

13 “(3) *INCIDENT.—The term ‘incident’ has the*
14 *meaning given the term in section 2209.*

15 “(4) *INFORMATION SYSTEM.—The term ‘informa-*
16 *tion system’ has the meaning given the term in sec-*
17 *tion 3502 of title 44, United States Code.*

18 “(5) *SOFTWARE ASSURANCE.—The term ‘soft-*
19 *ware assurance’ means confidence that software—*

20 “(A) *is free from vulnerabilities, either in-*
21 *entionally designed into the software or acciden-*
22 *tally inserted at any time during the life cycle*
23 *of the software; and*

24 “(B) *functioning in the intended manner.”.*

1 (2) *CLERICAL AMENDMENT.*—*The table of con-*
2 *tents in section 1(b) of the Homeland Security Act of*
3 *2002 (Public Law 107–296; 116 Stat. 2135), as*
4 *amended by this Act, is amended by inserting after*
5 *the item relating to section 321 the following:*

 “*Sec. 322. Cybersecurity research and development.*”.

6 (b) *RESEARCH AND DEVELOPMENT PROJECTS.*—*Sec-*
7 *tion 831 of the Homeland Security Act of 2002 (6 U.S.C.*
8 *391) is amended—*

9 (1) *in subsection (a)—*

10 (A) *in the matter preceding paragraph (1),*
11 *by striking “2017” and inserting “2022”; and*

12 (B) *in paragraph (2), by striking “under*
13 *section 845 of the National Defense Authoriza-*
14 *tion Act for Fiscal Year 1994 (Public Law 103–*
15 *160). In applying the authorities of that section*
16 *845, subsection (c) of that section shall apply*
17 *with respect to prototype projects under this*
18 *paragraph, and the Secretary shall perform the*
19 *functions of the Secretary of Defense under sub-*
20 *section (d) thereof” and inserting “under section*
21 *2371b of title 10, United States Code, and the*
22 *Secretary shall perform the functions of the Sec-*
23 *retary of Defense as prescribed.”;*

24 (2) *in subsection (c)—*

1 (A) in paragraph (1), in the matter pre-
2 ceding subparagraph (A), by striking “2017”
3 and inserting “2022”; and

4 (B) by amending paragraph (2) to read as
5 follows:

6 “(2) *REPORT.*—*The Secretary shall annually*
7 *submit to the Committee on Homeland Security and*
8 *the Committee on Science, Space, and Technology of*
9 *the House of Representatives and the Committee on*
10 *Homeland Security and Governmental Affairs of the*
11 *Senate a report detailing the projects for which the*
12 *authority granted by subsection (a) was utilized, the*
13 *rationale for such utilizations, the funds spent uti-*
14 *lizing such authority, the extent of cost-sharing for*
15 *such projects among Federal and non-Federal sources,*
16 *the extent to which utilization of such authority has*
17 *addressed a homeland security capability gap or*
18 *threat to the homeland identified by the Department,*
19 *the total amount of payments, if any, that were re-*
20 *ceived by the Federal Government as a result of the*
21 *utilization of such authority during the period cov-*
22 *ered by each such report, the outcome of each project*
23 *for which such authority was utilized, and the results*
24 *of any audits of such projects.”;*

1 (3) *in subsection (d), by striking “as defined in*
2 *section 845(e) of the National Defense Authorization*
3 *Act for Fiscal Year 1994 (Public Law 103–160; 10*
4 *U.S.C. 2371 note)” and inserting “as defined in sec-*
5 *tion 2371b(e) of title 10, United States Code.”; and*

6 (4) *by adding at the end the following:*

7 “(e) *TRAINING.—The Secretary shall develop a train-*
8 *ing program for acquisitions staff on the utilization of the*
9 *authority provided under subsection (a) to ensure account-*
10 *ability and effective management of projects consistent with*
11 *the Program Management Improvement Accountability Act*
12 *(Public Law 114–264; 130 Stat. 1371) and the amendments*
13 *made by such Act.”.*

14 (c) *NO ADDITIONAL FUNDS AUTHORIZED.—No addi-*
15 *tional funds are authorized to carry out the requirements*
16 *of this section and the amendments made by this section.*
17 *Such requirements shall be carried out using amounts oth-*
18 *erwise authorized.*

19 **SEC. 1138. CYBERSECURITY TALENT EXCHANGE.**

20 (a) *DEFINITIONS.—In this section—*

21 (1) *the term “congressional homeland security*
22 *committees” means—*

23 (A) *the Committee on Homeland Security*
24 *and Governmental Affairs and the Committee on*
25 *Appropriations of the Senate; and*

1 (B) *the Committee on Homeland Security*
2 *and the Committee on Appropriations of the*
3 *House of Representatives;*

4 (2) *the term “Department” means the Depart-*
5 *ment of Homeland Security; and*

6 (3) *the term “Secretary” means the Secretary of*
7 *Homeland Security.*

8 (b) *CYBERSECURITY TALENT EXCHANGE PILOT PRO-*
9 *GRAM.—*

10 (1) *IN GENERAL.—Not later than 1 year after*
11 *the date of enactment of this Act, the Secretary shall*
12 *commence carrying out a cybersecurity talent ex-*
13 *change pilot program.*

14 (2) *DELEGATION.—The Secretary may delegate*
15 *any authority under this section to the Director of the*
16 *Cybersecurity and Infrastructure Security Agency of*
17 *the Department.*

18 (c) *APPOINTMENT AUTHORITY.—*

19 (1) *IN GENERAL.—Under regulations prescribed*
20 *by the Secretary for the purpose of carrying out the*
21 *pilot program established under subsection (b), the*
22 *Secretary may, with the agreement of a private-sector*
23 *organization and the consent of the employee, arrange*
24 *for the temporary assignment of an employee to the*
25 *private-sector organization, or from the private-sector*

1 *organization to a Department organization under*
2 *this section.*

3 (2) *ELIGIBLE EMPLOYEES.—Employees partici-*
4 *parting in the pilot program established under sub-*
5 *section (b) shall have significant education, skills, or*
6 *experience relating to cybersecurity.*

7 (3) *AGREEMENTS.—*

8 (A) *IN GENERAL.—The Secretary shall pro-*
9 *vide for a written agreement among the Depart-*
10 *ment, the private-sector organization, and the*
11 *employee concerned regarding the terms and con-*
12 *ditions of the assignment of the employee under*
13 *this section, which—*

14 (i) *shall require that the employee of*
15 *the Department, upon completion of the as-*
16 *ignment, will serve in the Department, or*
17 *elsewhere in the civil service if approved by*
18 *the Secretary, for a period equal to twice*
19 *the length of the assignment;*

20 (ii) *shall provide that if the employee*
21 *of the Department or of the private-sector*
22 *organization, as the case may be, fails to*
23 *carry out the agreement, the employee shall*
24 *be liable to the United States for payment*
25 *of all expenses of the assignment, unless that*

1 *failure was for good and sufficient reason,*
2 *as determined by the Secretary;*

3 *(iii) shall contain language ensuring*
4 *that the employee of the Department does*
5 *not improperly use pre-decisional or draft*
6 *deliberative information that the employee*
7 *may be privy to or aware of related to De-*
8 *partment programming, budgeting,*
9 *resourcing, acquisition, or procurement for*
10 *the benefit or advantage of the private-sector*
11 *organization; and*

12 *(iv) shall cover matters relating to con-*
13 *fidentiality, intellectual property rights,*
14 *and such other matters as the Secretary*
15 *considers appropriate.*

16 *(B) LIABILITY.—An amount for which an*
17 *employee is liable under subparagraph (A)(ii)*
18 *shall be treated as a debt due the United States.*

19 *(C) WAIVER.—The Secretary may waive, in*
20 *whole or in part, collection of a debt described in*
21 *subparagraph (B) based on a determination that*
22 *the collection would be against equity and good*
23 *conscience and not in the best interests of the*
24 *United States, after taking into account any in-*

1 *dication of fraud, misrepresentation, fault, or*
2 *lack of good faith on the part of the employee.*

3 (4) *TERMINATION.*—*An assignment under this*
4 *subsection may, at any time and for any reason, be*
5 *terminated by the Department or the private-sector*
6 *organization concerned.*

7 (5) *DURATION.*—

8 (A) *IN GENERAL.*—*Except as provided in*
9 *subparagraph (B), an assignment under this*
10 *subsection shall be for a period of not less than*
11 *3 months and not more than 2 years, and renew-*
12 *able up to a total of 4 years.*

13 (B) *EXCEPTION.*—*An assignment under this*
14 *subsection may be for a period in excess of 2*
15 *years, but not more than 4 years, if the Sec-*
16 *retary determines that the assignment is nec-*
17 *essary to meet critical mission or program re-*
18 *quirements.*

19 (C) *LIMITATION.*—*No employee of the De-*
20 *partment may be assigned under this subsection*
21 *for more than a total of 4 years inclusive of all*
22 *assignments.*

23 (6) *STATUS OF FEDERAL EMPLOYEES ASSIGNED*
24 *TO PRIVATE-SECTOR ORGANIZATIONS.*—

1 (A) *IN GENERAL.*—*An employee of the De-*
2 *partment who is assigned to a private-sector or-*
3 *ganization under this subsection shall be consid-*
4 *ered, during the period of assignment, to be on*
5 *detail to a regular work assignment in the De-*
6 *partment for all purposes.*

7 (B) *WRITTEN AGREEMENT.*—*The written*
8 *agreement established under paragraph (3) shall*
9 *address the specific terms and conditions related*
10 *to the continued status of the employee as a Fed-*
11 *eral employee.*

12 (C) *CERTIFICATION.*—*In establishing a tem-*
13 *porary assignment of an employee of the Depart-*
14 *ment to a private-sector organization, the Sec-*
15 *retary shall—*

16 (i) *ensure that the normal duties and*
17 *functions of the employee can be reasonably*
18 *performed by other employees of the Depart-*
19 *ment without the transfer or reassignment*
20 *of other personnel of the Department; and*

21 (ii) *certify that the temporary assign-*
22 *ment of the employee shall not have an ad-*
23 *verse or negative impact on organizational*
24 *capabilities associated with the assignment.*

1 (7) *TERMS AND CONDITIONS FOR PRIVATE-SEC-*
2 *TOR EMPLOYEES.*—*An employee of a private-sector*
3 *organization who is assigned to a Department organi-*
4 *zation under this subsection—*

5 *(A) shall continue to receive pay and bene-*
6 *fits from the private-sector organization from*
7 *which the employee is assigned and shall not re-*
8 *ceive pay or benefits from the Department, ex-*
9 *cept as provided in subparagraph (B);*

10 *(B) is deemed to be an employee of the De-*
11 *partment for the purposes of—*

12 *(i) chapters 73 and 81 of title 5,*
13 *United States Code;*

14 *(ii) sections 201, 203, 205, 207, 208,*
15 *209, 603, 606, 607, 643, 654, 1905, and*
16 *1913 of title 18, United States Code;*

17 *(iii) sections 1343, 1344, and 1349(b)*
18 *of title 31, United States Code;*

19 *(iv) chapter 171 of title 28, United*
20 *States Code (commonly known as the “Fed-*
21 *eral Tort Claims Act”) and any other Fed-*
22 *eral tort liability statute;*

23 *(v) the Ethics in Government Act of*
24 *1978 (5 U.S.C. App.); and*

1 (vi) chapter 21 of title 41, United
2 States Code;

3 (C) shall not have access to any trade se-
4 crets or to any other nonpublic information
5 which is of commercial value to the private-sec-
6 tor organization from which the employee is as-
7 signed;

8 (D) may perform work that is considered
9 inherently governmental in nature only when re-
10 quested in writing by the Secretary; and

11 (E) may not be used to circumvent any lim-
12 itation or restriction on the size of the workforce
13 of the Department.

14 (8) *PROHIBITION AGAINST CHARGING CERTAIN*
15 *COSTS TO THE FEDERAL GOVERNMENT.*—A private-
16 sector organization may not charge the Department
17 or any other agency of the Federal Government, as di-
18 rect or indirect costs under a Federal contract, the
19 costs of pay or benefits paid by the organization to
20 an employee assigned to a Department organization
21 under this subsection for the period of the assignment.

22 (9) *EXPENSES.*—

23 (A) *IN GENERAL.*—The Secretary may pay
24 for travel and other work-related expenses associ-
25 ated with individuals participating in the pilot

1 program established under subsection (b). The
2 Secretary shall not pay for lodging or per diem
3 expenses for employees of a private sector organi-
4 zation, unless such expenses are in furtherance of
5 work-related travel other than participating in
6 the pilot program.

7 (B) *BACKGROUND INVESTIGATION.*—A pri-
8 vate person supporting an individual partici-
9 pating in the pilot program may pay for a back-
10 ground investigation associated with the partici-
11 pation of the individual in the pilot program.

12 (10) *MAXIMUM NUMBER OF PARTICIPANTS.*—Not
13 more than 250 individuals may concurrently partici-
14 pate in the pilot program established under subsection
15 (b).

16 (d) *DETAILING OF PARTICIPANTS.*—With the consent
17 of an individual participating in the pilot program estab-
18 lished under subsection (b), the Secretary may, under the
19 pilot program, detail the individual to another Federal de-
20 partment or agency.

21 (e) *SUNSET.*—The pilot program established under
22 subsection (b) shall terminate on the date that is 7 years
23 after the date of enactment of this Act.

24 (f) *REPORTS.*—

1 (1) *PRELIMINARY REPORT.*—Not later than 2
2 years after the date of enactment of this Act, the Sec-
3 retary shall submit to the congressional homeland se-
4 curity committees a preliminary report describing the
5 implementation of the pilot program established
6 under subsection (b), including the number of partici-
7 pating employees from the Department and from pri-
8 vate sector organizations, the departmental missions
9 or programs carried out by employees participating
10 in the pilot program, and recommendations to maxi-
11 mize efficiencies and the effectiveness of the pilot pro-
12 gram in order to support Department cybersecurity
13 missions and objectives.

14 (2) *FINAL REPORT.*—Not later than 6 years after
15 the date of enactment of this Act, the Secretary shall
16 submit to the congressional homeland security com-
17 mittees a final report describing the implementation
18 of the pilot program established under subsection (b),
19 including the number of participating employees from
20 the Department and from private sector organiza-
21 tions, the departmental missions or programs carried
22 out by employees participating in the pilot program,
23 and providing a recommendation on whether the pilot
24 program should be made permanent.

1 **Subtitle C—Other Matters**

2 **SEC. 1141. PROTECTION OF PERSONALLY IDENTIFIABLE IN-**
3 **FORMATION.**

4 *Paragraph (2) of section 431(c) of the Tariff Act of*
5 *1930 (19 U.S.C. 1431(c)) is amended to read as follows:*

6 “(2)(A) *The information listed in paragraph (1) shall*
7 *not be available for public disclosure if—*

8 “(i) *the Secretary of the Treasury makes an af-*
9 *firmative finding on a shipment-by-shipment basis*
10 *that disclosure is likely to pose a threat of personal*
11 *injury or property damage; or*

12 “(ii) *the information is exempt under the provi-*
13 *sions of section 552(b)(1) of title 5, United States*
14 *Code.*

15 “(B) *The Commissioner of U.S. Customs and Border*
16 *Protection shall ensure that any personally identifiable in-*
17 *formation, including social security numbers, passport*
18 *numbers, and residential addresses, is removed from any*
19 *manifest signed, produced, delivered, or transmitted under*
20 *this section before the manifest is disclosed to the public.”.*

21 **SEC. 1142. TECHNICAL AND CONFORMING AMENDMENTS.**

22 (a) *REPEAL OF DIRECTOR OF SHARED SERVICES AND*
23 *OFFICE OF COUNTERNARCOTICS ENFORCEMENT OF DE-*
24 *PARTMENT OF HOMELAND SECURITY.—*

1 (1) *ABOLISHMENT OF DIRECTOR OF SHARED*
2 *SERVICES.—*

3 (A) *ABOLISHMENT.—The position of Direc-*
4 *tor of Shared Services of the Department of*
5 *Homeland Security is abolished.*

6 (B) *CONFORMING AMENDMENT.—The Home-*
7 *land Security Act of 2002 (6 U.S.C. 101 et seq.)*
8 *is amended by striking section 475 (6 U.S.C.*
9 *295).*

10 (C) *CLERICAL AMENDMENT.—The table of*
11 *contents in section 1(b) of the Homeland Secu-*
12 *rity Act of 2002 (Public Law 107–296; 116 Stat.*
13 *2135) is amended by striking the item relating*
14 *to section 475.*

15 (2) *ABOLISHMENT OF THE OFFICE OF COUNTER-*
16 *NARCOTICS ENFORCEMENT.—*

17 (A) *ABOLISHMENT.—The Office of Counter-*
18 *narcotics Enforcement is abolished.*

19 (B) *CONFORMING AMENDMENTS.—The*
20 *Homeland Security Act of 2002 (6 U.S.C. 101 et*
21 *seq.) is amended—*

22 (i) *in subparagraph (B) of section*
23 *843(b)(1) (6 U.S.C. 413(b)(1)), by striking*
24 *“by—” and all that follows through the end*

1 of that subparagraph and inserting “by the
2 Secretary; and”; and

3 (ii) by striking section 878 (6 U.S.C.
4 458).

5 (C) *CLERICAL AMENDMENT.*—The table of
6 contents in section 1(b) of the Homeland Secu-
7 rity Act of 2002 (Public Law 107–296; 116 Stat.
8 2135) is amended by striking the item relating
9 to section 878.

10 (b) *OTHER TECHNICAL AND CONFORMING AMEND-*
11 *MENTS.*—

12 (1) *TITLE I.*—Section 103 of the Homeland Se-
13 curity Act of 2002 (6 U.S.C. 113), as amended by this
14 Act, is further amended—

15 (A) in subsection (a)(1)(E), by striking “the
16 Bureau of” and inserting “United States”; and

17 (B) in subsection (d)(4), as redesignated by
18 section 1117(f), by striking “section 708” and
19 inserting “section 707”.

20 (2) *TITLE VII.*—Title VII of the Homeland Secu-
21 rity Act of 2002 (6 U.S.C. 341 et seq.) is amended—

22 (A) in subsection (c) of section 702 (6
23 U.S.C. 342), as redesignated by section 1103,
24 strike paragraph (4);

25 (B) by striking section 706 (6 U.S.C. 346);

1 (C) by redesignating sections 707, 708, and
2 709 as sections 706, 707, and 708, respectively;
3 and

4 (D) in section 708(c)(3), as so redesignated,
5 by striking “section 707” and inserting “section
6 706”.

7 (3) *TITLE VIII.—Title VIII of the Homeland Se-*
8 *curity Act of 2002 (6 U.S.C. 361 et seq.) is amend-*
9 *ed—*

10 (A) by striking section 857 (6 U.S.C. 427);

11 (B) by redesignating section 858 as section
12 857;

13 (C) by striking section 872 (6 U.S.C. 452);
14 and

15 (D) by striking section 881 (6 U.S.C. 461).

16 (4) *TITLE XVI.—Section 1611(d)(1) of the Home-*
17 *land Security Act of 2002 (6 U.S.C. 563(d)(1)) is*
18 *amended by striking “section 707” and inserting*
19 *“section 706”.*

20 (5) *TABLE OF CONTENTS.—The table of contents*
21 *in section 1(b) of the Homeland Security Act of 2002*
22 *(Public Law 107–296; 116 Stat. 2135) is amended—*

23 (A) by striking the items relating to sections
24 706 through 709 and inserting the following:

“Sec. 706. Quadrennial homeland security review.

“Sec. 707. Joint task forces.

“Sec. 708. Office of Strategy, Policy, and Plans.”;

1 (B) by striking the items relating to sections
2 857 and 858 and inserting the following:

“Sec. 857. Identification of new entrants into the Federal marketplace.”;

3 (C) by striking the item relating to section
4 872; and

5 (D) by striking the item relating to section
6 881.

7 **TITLE II—DEPARTMENT OF**
8 **HOMELAND SECURITY ACQUI-**
9 **SITION ACCOUNTABILITY AND**
10 **EFFICIENCY**

11 **SEC. 1201. DEFINITIONS.**

12 (a) *IN GENERAL.*—Section 2 of the Homeland Security
13 Act of 2002 (6 U.S.C. 101) is amended—

14 (1) by redesignating paragraphs (14) through
15 (20) as paragraphs (28) through (34), respectively;

16 (2) by redesignating paragraph (13) as para-
17 graph (26);

18 (3) by redesignating paragraphs (9) through (12)
19 as paragraphs (21) through (24), respectively;

20 (4) by redesignating paragraphs (4) through (8)
21 as paragraphs (15) through (19), respectively;

22 (5) by redesignating paragraphs (1), (2), and (3)
23 as paragraphs (7), (8), and (9), respectively;

24 (6) by inserting before paragraph (7), as so re-
25 designated, the following:

1 “(1) The term ‘acquisition’ has the meaning
2 given the term in section 131 of title 41, United
3 States Code.

4 “(2) The term ‘acquisition decision authority’
5 means the authority held by the Secretary, acting
6 through the Under Secretary for Management, to—

7 “(A) ensure compliance with Federal law,
8 the Federal Acquisition Regulation, and Depart-
9 ment acquisition management directives;

10 “(B) review, including approving, pausing,
11 modifying, or canceling, an acquisition through-
12 out the life cycle of the acquisition;

13 “(C) ensure that acquisition program man-
14 agers have the resources necessary to successfully
15 execute an approved acquisition program;

16 “(D) ensure good acquisition program man-
17 agement of cost, schedule, risk, and system per-
18 formance of the acquisition program at issue, in-
19 cluding assessing acquisition program baseline
20 breaches and directing any corrective action for
21 those breaches; and

22 “(E) ensure that acquisition program man-
23 agers, on an ongoing basis, monitor cost, sched-
24 ule, and performance against established base-
25 lines and use tools to assess risks to an acquisi-

1 *tion program at all phases of the life cycle of the*
2 *acquisition program to avoid and mitigate ac-*
3 *quisition program baseline breaches.*

4 *“(3) The term ‘acquisition decision event’ means,*
5 *with respect to an acquisition program, a predeter-*
6 *mined point within each of the acquisition phases at*
7 *which the person exercising the acquisition decision*
8 *authority determines whether the acquisition program*
9 *shall proceed to the next phase.*

10 *“(4) The term ‘acquisition decision memo-*
11 *randum’ means, with respect to an acquisition, the*
12 *official acquisition decision event record that includes*
13 *a documented record of decisions and assigned actions*
14 *for the acquisition, as determined by the person exer-*
15 *cising acquisition decision authority for the acquisi-*
16 *tion.*

17 *“(5) The term ‘acquisition program’ means the*
18 *totality of activities directed to accomplish specific*
19 *goals and objectives, which may—*

20 *“(A) provide new or improved capabilities*
21 *in response to approved requirements or sustain*
22 *existing capabilities; and*

23 *“(B) have multiple projects to obtain spe-*
24 *cific capability requirements or capital assets.*

1 “(6) *The term ‘acquisition program baseline’,*
2 *with respect to an acquisition program, means a*
3 *summary of the cost, schedule, and performance pa-*
4 *rameters, expressed in standard, measurable, quan-*
5 *titative terms, which must be met in order to accom-*
6 *plish the goals of the program.’”;*

7 (7) *by inserting after paragraph (9), as so redes-*
8 *ignated, the following:*

9 “(10) *The term ‘best practices’, with respect to*
10 *acquisition, means a knowledge-based approach to ca-*
11 *pability development that includes, at a minimum—*

12 “(A) *identifying and validating needs;*

13 “(B) *assessing alternatives to select the most*
14 *appropriate solution;*

15 “(C) *establishing requirements;*

16 “(D) *developing cost estimates and schedules*
17 *that consider the work necessary to develop, plan,*
18 *support, and install a program or solution;*

19 “(E) *identifying sources of funding that*
20 *match resources to requirements;*

21 “(F) *demonstrating technology, design, and*
22 *manufacturing maturity;*

23 “(G) *using milestones and exit criteria or*
24 *specific accomplishments that demonstrate*
25 *progress;*

1 “(H) adopting and executing standardized
2 processes with known success across programs;

3 “(I) ensuring an adequate, well-trained,
4 and diverse workforce that is qualified and suffi-
5 cient in number to perform necessary functions;

6 “(J) developing innovative, effective, and ef-
7 ficient processes and strategies;

8 “(K) integrating risk management and
9 mitigation techniques for national security con-
10 siderations; and

11 “(L) integrating the capabilities described
12 in subparagraphs (A) through (K) into the mis-
13 sion and business operations of the Department.

14 “(11) The term ‘breach’ means a failure to meet
15 any cost, schedule, or performance threshold specified
16 in the most recently approved acquisition program
17 baseline.

18 “(12) The term ‘congressional homeland security
19 committees’ means—

20 “(A) the Committee on Homeland Security
21 of the House of Representatives and the Com-
22 mittee on Homeland Security and Governmental
23 Affairs of the Senate; and

1 “(B) the Committee on Appropriations of
2 the House of Representatives and the Committee
3 on Appropriations of the Senate.

4 “(13) The term ‘Component Acquisition Execu-
5 tive’ means the senior acquisition official within a
6 component who is designated in writing by the Under
7 Secretary for Management, in consultation with the
8 component head, with authority and responsibility for
9 leading a process and staff to provide acquisition and
10 program management oversight, policy, and guidance
11 to ensure that statutory, regulatory, and higher level
12 policy requirements are fulfilled, including compli-
13 ance with Federal law, the Federal Acquisition Regu-
14 lation, and Department acquisition management di-
15 rectives established by the Under Secretary for Man-
16 agement.

17 “(14) The term ‘cost-type contract’ means a con-
18 tract that—

19 “(A) provides for payment of allowable in-
20 curred costs, to the extent prescribed in the con-
21 tract; and

22 “(B) establishes an estimate of total cost for
23 the purpose of obligating funds and establishing
24 a ceiling that the contractor may not exceed, ex-

1 *cept at the risk of the contractor, without the ap-*
2 *proval of the contracting officer.”;*

3 *(8) by inserting after paragraph (19), as so re-*
4 *designated, the following:*

5 *“(20) The term ‘fixed-price contract’ means a*
6 *contract that provides for a firm price or, in appro-*
7 *prate cases, an adjustable price.”;*

8 *(9) by inserting after paragraph (24), as so re-*
9 *designated, the following:*

10 *“(25) The term ‘life cycle cost’ means the total*
11 *cost of an acquisition, including all relevant costs re-*
12 *lated to acquiring, owning, operating, maintaining,*
13 *and disposing of the system, project, service, or prod-*
14 *uct over a specified period of time.”; and*

15 *(10) by inserting after paragraph (26), as so re-*
16 *designated, the following:*

17 *“(27) The term ‘major acquisition program’*
18 *means a Department acquisition program that is esti-*
19 *mated by the Secretary or a designee of the Secretary*
20 *to require an eventual total expenditure of not less*
21 *than \$300,000,000 (based on fiscal year 2017 con-*
22 *stant dollars) over the life cycle cost of the program.”.*

23 *(b) TECHNICAL AND CONFORMING AMENDMENT.—Sec-*
24 *tion 501(13) of the Homeland Security Act of 2002 (6*

1 *U.S.C. 311(13)) is amended by striking “section 2(13)(B)”*
2 *and inserting “section 2(26)(B)”.*

3 ***Subtitle A—Acquisition Authorities***

4 ***SEC. 1211. ACQUISITION AUTHORITIES FOR UNDER SEC-***
5 ***RETARY FOR MANAGEMENT OF THE DEPART-***
6 ***MENT OF HOMELAND SECURITY.***

7 *Section 701 of the Homeland Security Act of 2002 (6*
8 *U.S.C. 341) is amended—*

9 *(1) in subsection (a)(2), by inserting “and acqui-*
10 *sition management” after “Procurement”;*

11 *(2) by redesignating subsection (d), the first sub-*
12 *section (e) (relating to the system for award manage-*
13 *ment consultation), and the second subsection (e) (re-*
14 *lating to the definition of interoperable communica-*
15 *tions) as subsections (e), (f), and (g), respectively; and*

16 *(3) by inserting after subsection (c) the fol-*
17 *lowing:*

18 *“(d) ACQUISITION AND RELATED RESPONSIBIL-*
19 *ITIES.—*

20 *“(1) IN GENERAL.—Notwithstanding subsection*
21 *(a) of section 1702 of title 41, United States Code, the*
22 *Under Secretary for Management—*

23 *“(A) is the Chief Acquisition Officer of the*
24 *Department;*

1 “(B) shall have the authorities and perform
2 the functions specified in subsection (b) of such
3 section; and

4 “(C) shall perform all other functions and
5 responsibilities delegated by the Secretary or de-
6 scribed in this subsection.

7 “(2) *FUNCTIONS AND RESPONSIBILITIES.*—In
8 addition to the authorities and functions specified in
9 section 1702(b) of title 41, United States Code, the
10 functions and responsibilities of the Under Secretary
11 for Management related to acquisition include the fol-
12 lowing:

13 “(A) Advising the Secretary regarding ac-
14 quisition management activities, taking into ac-
15 count risks of failure to achieve cost, schedule, or
16 performance parameters, to ensure that the De-
17 partment achieves the mission of the Department
18 through the adoption of widely accepted program
19 management best practices and standards and,
20 where appropriate, acquisition innovation best
21 practices.

22 “(B) Leading the acquisition oversight body
23 of the Department, the Acquisition Review
24 Board, and exercising the acquisition decision
25 authority to approve, pause, modify, including

1 *the rescission of approvals of program mile-*
2 *stones, or cancel major acquisition programs,*
3 *unless the Under Secretary delegates that author-*
4 *ity to a Component Acquisition Executive pursu-*
5 *ant to paragraph (3).*

6 *“(C) Establishing policies for acquisition*
7 *that implement an approach that takes into ac-*
8 *count risks of failure to achieve cost, schedule, or*
9 *performance parameters that all components of*
10 *the Department shall comply with, including*
11 *outlining relevant authorities for program man-*
12 *agers to effectively manage acquisition programs.*

13 *“(D) Ensuring that each major acquisition*
14 *program has a Department-approved acquisition*
15 *program baseline pursuant to the acquisition*
16 *management policy of the Department.*

17 *“(E) Ensuring that the heads of components*
18 *and Component Acquisition Executives comply*
19 *with Federal law, the Federal Acquisition Regu-*
20 *lation, and Department acquisition management*
21 *directives.*

22 *“(F) Providing additional scrutiny and*
23 *oversight for an acquisition that is not a major*
24 *acquisition if—*

1 “(i) the acquisition is for a program
2 that is important to departmental strategic
3 and performance plans;

4 “(ii) the acquisition is for a program
5 with significant program or policy implica-
6 tions; and

7 “(iii) the Secretary determines that the
8 scrutiny and oversight for the acquisition is
9 proper and necessary.

10 “(G) Ensuring that grants and financial
11 assistance are provided only to individuals and
12 organizations that are not suspended or
13 debarred.

14 “(H) Distributing guidance throughout the
15 Department to ensure that contractors involved
16 in acquisitions, particularly contractors that ac-
17 cess the information systems and technologies of
18 the Department, adhere to relevant Department
19 policies related to physical and information se-
20 curity as identified by the Under Secretary for
21 Management.

22 “(I) Overseeing the Component Acquisition
23 Executive organizational structure to ensure
24 Component Acquisition Executives have suffi-

1 *cient capabilities and comply with Department*
2 *acquisition policies.*

3 *“(J) Ensuring acquisition decision memo-*
4 *randa adequately document decisions made at*
5 *acquisition decision events, including the ration-*
6 *ale for decisions made to allow programs to devi-*
7 *ate from the requirement to obtain approval by*
8 *the Department for certain documents at acqui-*
9 *sition decision events.*

10 *“(3) DELEGATION OF ACQUISITION DECISION AU-*
11 *THORITY.—*

12 *“(A) LEVEL 3 ACQUISITIONS.—The Under*
13 *Secretary for Management may delegate acquisi-*
14 *tion decision authority in writing to the relevant*
15 *Component Acquisition Executive for an acquisi-*
16 *tion program that has a life cycle cost estimate*
17 *of less than \$300,000,000.*

18 *“(B) LEVEL 2 ACQUISITIONS.—The Under*
19 *Secretary for Management may delegate acquisi-*
20 *tion decision authority in writing to the relevant*
21 *Component Acquisition Executive for a major*
22 *acquisition program that has a life cycle cost es-*
23 *timate of not less than \$300,000,000 but not*
24 *more than \$1,000,000,000 if all of the following*
25 *requirements are met:*

1 “(i) *The component concerned possesses*
2 *working policies, processes, and procedures*
3 *that are consistent with Department-level*
4 *acquisition policy.*

5 “(ii) *The Component Acquisition Exec-*
6 *utive concerned has a well-trained and ex-*
7 *perienced workforce, commensurate with the*
8 *size of the acquisition program and related*
9 *activities delegated to the Component Acqui-*
10 *sition Executive by the Under Secretary for*
11 *Management.*

12 “(iii) *Each major acquisition con-*
13 *cerned has written documentation showing*
14 *that the acquisition has a Department-ap-*
15 *proved acquisition program baseline and*
16 *the acquisition is meeting agreed-upon cost,*
17 *schedule, and performance thresholds.*

18 “(4) *RELATIONSHIP TO UNDER SECRETARY FOR*
19 *SCIENCE AND TECHNOLOGY.—*

20 “(A) *IN GENERAL.—Nothing in this sub-*
21 *section shall diminish the authority granted to*
22 *the Under Secretary for Science and Technology*
23 *under this Act. The Under Secretary for Man-*
24 *agement and the Under Secretary for Science*
25 *and Technology shall cooperate in matters re-*

1 *lated to the coordination of acquisitions across*
2 *the Department so that investments of the Direc-*
3 *torate of Science and Technology are able to sup-*
4 *port current and future requirements of the com-*
5 *ponents of the Department.*

6 *“(B) TESTING AND EVALUATION ACQUI-*
7 *SITION SUPPORT.—The Under Secretary for*
8 *Science and Technology shall—*

9 *“(i) ensure, in coordination with rel-*
10 *evant component heads, that all relevant ac-*
11 *quisition programs—*

12 *“(I) complete reviews of oper-*
13 *ational requirements to ensure the re-*
14 *quirements are measurable, testable,*
15 *and achievable within the constraints*
16 *of cost and schedule;*

17 *“(II) integrate applicable stand-*
18 *ards into development specifications;*

19 *“(III) complete systems engineer-*
20 *ing reviews and technical assessments*
21 *during development to inform produc-*
22 *tion and deployment decisions;*

23 *“(IV) complete independent test-*
24 *ing and evaluation of technologies and*
25 *systems;*

1 “(V) use independent verification
2 and validation of operational testing
3 and evaluation implementation and re-
4 sults; and

5 “(VI) document whether such pro-
6 grams meet all performance require-
7 ments included in their acquisition
8 program baselines;

9 “(ii) ensure that such operational test-
10 ing and evaluation includes all system com-
11 ponents and incorporates operators into the
12 testing to ensure that systems perform as
13 intended in the appropriate operational set-
14 ting; and

15 “(iii) determine if testing conducted by
16 other Federal agencies and private entities
17 is relevant and sufficient in determining
18 whether systems perform as intended in the
19 operational setting.”.

20 **SEC. 1212. ACQUISITION AUTHORITIES FOR CHIEF FINAN-**
21 **CIAL OFFICER OF THE DEPARTMENT OF**
22 **HOMELAND SECURITY.**

23 Section 702(a) of the Homeland Security Act of 2002
24 (6 U.S.C. 342(a)) is amended—

1 (1) by striking “The Chief” and inserting the fol-
2 lowing:

3 “(1) *FUNCTIONS.—The Chief*”; and

4 (2) by adding at the end the following:

5 “(2) *ACQUISITION AUTHORITIES.—The Chief Fi-*
6 *nancial Officer, in coordination with the Under Sec-*
7 *retary for Management, shall oversee the costs of ac-*
8 *quisition programs and related activities to ensure*
9 *that actual and planned costs are in accordance with*
10 *budget estimates and are affordable, or can be ade-*
11 *quately funded, over the life cycle of such programs*
12 *and activities.”.*

13 **SEC. 1213. ACQUISITION AUTHORITIES FOR CHIEF INFOR-**
14 **MATION OFFICER OF THE DEPARTMENT OF**
15 **HOMELAND SECURITY.**

16 Section 703 of the Homeland Security Act of 2002 (6
17 U.S.C. 343), as amended by section 1104, is amended by
18 adding at the end the following:

19 “(d) *ACQUISITION RESPONSIBILITIES.—The acquisi-*
20 *tion responsibilities of the Chief Information Officer shall*
21 *include—*

22 “(1) *overseeing the management of the Homeland*
23 *Security Enterprise Architecture and ensuring that,*
24 *before each acquisition decision event, approved infor-*
25 *mation technology acquisitions comply with depart-*

1 *mental information technology management processes,*
2 *technical requirements, and the Homeland Security*
3 *Enterprise Architecture, and in any case in which in-*
4 *formation technology acquisitions do not comply with*
5 *the management directives of the Department, making*
6 *recommendations to the Acquisition Review Board re-*
7 *garding that noncompliance; and*

8 *“(2) being responsible for—*

9 *“(A) providing recommendations to the Ac-*
10 *quisition Review Board regarding information*
11 *technology programs; and*

12 *“(B) developing information technology ac-*
13 *quisition strategic guidance.”.*

14 **SEC. 1214. ACQUISITION AUTHORITIES FOR PROGRAM AC-**
15 **COUNTABILITY AND RISK MANAGEMENT.**

16 *(a) IN GENERAL.—Title VII of the Homeland Security*
17 *Act of 2002 (6 U.S.C. 341 et seq.), as amended by section*
18 *1132, is amended by adding at the end the following:*

19 **“SEC. 716. ACQUISITION AUTHORITIES FOR PROGRAM AC-**
20 **COUNTABILITY AND RISK MANAGEMENT.**

21 *“(a) ESTABLISHMENT OF OFFICE.—There is in the*
22 *Management Directorate of the Department an office to be*
23 *known as ‘Program Accountability and Risk Management’,*
24 *which shall—*

1 “(1) provide accountability, standardization,
2 and transparency of major acquisition programs of
3 the Department; and

4 “(2) serve as the central oversight function for
5 all Department acquisition programs.

6 “(b) *RESPONSIBILITIES OF EXECUTIVE DIRECTOR.*—
7 *The Program Accountability and Risk Management shall*
8 *be led by an Executive Director to oversee the requirement*
9 *under subsection (a), who shall report directly to the Under*
10 *Secretary for Management, serve as the executive secretary*
11 *for the Acquisition Review Board, and carry out the fol-*
12 *lowing responsibilities:*

13 “(1) Monitor the performance of Department ac-
14 quisition programs between acquisition decision
15 events to identify problems with cost, performance, or
16 schedule that components may need to address to pre-
17 vent cost overruns, performance issues, or schedule
18 delays.

19 “(2) Assist the Under Secretary for Management
20 in managing the acquisition programs and related
21 activities of the Department.

22 “(3) Conduct oversight of individual acquisition
23 programs to implement Department acquisition pro-
24 gram policy, procedures, and guidance with a pri-
25 ority on ensuring the data the office collects and

1 *maintains from Department components is accurate*
2 *and reliable.*

3 “(4) *Coordinate the acquisition life cycle review*
4 *process for the Acquisition Review Board.*

5 “(5) *Advise the persons having acquisition deci-*
6 *sion authority in making acquisition decisions con-*
7 *sistent with all applicable laws and in establishing*
8 *lines of authority, accountability, and responsibility*
9 *for acquisition decision making within the Depart-*
10 *ment.*

11 “(6) *Support the Chief Procurement Officer in*
12 *developing strategies and specific plans for hiring,*
13 *training, and professional development in order to*
14 *improve the acquisition workforce of the Department.*

15 “(7) *In consultation with Component Acquisi-*
16 *tion Executives—*

17 “(A) *develop standards for the designation*
18 *of key acquisition positions with major acquisi-*
19 *tion program management offices and on the*
20 *Component Acquisition Executive support staff;*
21 *and*

22 “(B) *provide requirements and support to*
23 *the Chief Procurement Officer in the planning,*
24 *development, and maintenance of the Acquisition*
25 *Career Management Program of the Department.*

1 “(8) *In the event that a certification or action*
2 *of an acquisition program manager needs review for*
3 *purposes of promotion or removal, provide input, in*
4 *consultation with the relevant Component Acquisition*
5 *Executive, into the performance evaluation of the rel-*
6 *evant acquisition program manager and report posi-*
7 *tive or negative experiences to the relevant certifying*
8 *authority.*

9 “(9) *Provide technical support and assistance to*
10 *Department acquisition programs and acquisition*
11 *personnel and coordinate with the Chief Procurement*
12 *Officer on workforce training and development activi-*
13 *ties.*

14 “(c) *RESPONSIBILITIES OF COMPONENTS.—Each head*
15 *of a component shall—*

16 “(1) *comply with Federal law, the Federal Ac-*
17 *quisition Regulation, and Department acquisition*
18 *management directives established by the Under Sec-*
19 *retary for Management; and*

20 “(2) *for each major acquisition program—*

21 “(A) *define baseline requirements and docu-*
22 *ment changes to such requirements, as appro-*
23 *priate;*

24 “(B) *develop a life cycle cost estimate that*
25 *is consistent with best practices identified by the*

1 *Comptroller General of the United States and es-*
2 *tablish a complete life cycle cost estimate with*
3 *supporting documentation, including an acquisi-*
4 *tion program baseline;*

5 *“(C) verify each life cycle cost estimate*
6 *against independent cost estimates, and reconcile*
7 *any differences;*

8 *“(D) complete a cost-benefit analysis with*
9 *supporting documentation;*

10 *“(E) develop and maintain a schedule that*
11 *is consistent with scheduling best practices as*
12 *identified by the Comptroller General of the*
13 *United States, including, in appropriate cases,*
14 *an integrated master schedule; and*

15 *“(F) ensure that all acquisition program*
16 *information provided by the component is com-*
17 *plete, accurate, timely, and valid.*

18 **“SEC. 717. ACQUISITION DOCUMENTATION.**

19 *“(a) IN GENERAL.—For each major acquisition pro-*
20 *gram, the Secretary, acting through the Under Secretary*
21 *for Management, shall require the head of a relevant compo-*
22 *nent or office to—*

23 *“(1) maintain acquisition documentation that is*
24 *complete, accurate, timely, and valid, and that in-*
25 *cludes, at a minimum—*

1 “(A) operational requirements that are vali-
2 dated consistent with departmental policy and
3 changes to those requirements, as appropriate;

4 “(B) a complete life cycle cost estimate with
5 supporting documentation;

6 “(C) verification of the life cycle cost esti-
7 mate against independent cost estimates, and
8 reconciliation of any differences;

9 “(D) a cost-benefit analysis with supporting
10 documentation; and

11 “(E) a schedule, including, as appropriate,
12 an integrated master schedule;

13 “(2) prepare cost estimates and schedules for
14 major acquisition programs under subparagraphs (B)
15 and (E) of paragraph (1) in a manner consistent
16 with best practices as identified by the Comptroller
17 General of the United States; and

18 “(3) submit certain acquisition documentation to
19 the Secretary to produce a semi-annual Acquisition
20 Program Health Assessment of departmental acquisi-
21 tions for submission to Congress.

22 “(b) WAIVER.—The Secretary may waive the require-
23 ment under subsection (a)(3) on a case-by-case basis with
24 respect to any major acquisition program under this section
25 for a fiscal year if—

1 “(1) the major acquisition program has not—

2 “(A) entered the full rate production phase
3 in the acquisition life cycle;

4 “(B) had a reasonable cost estimate estab-
5 lished; and

6 “(C) had a system configuration defined
7 fully; or

8 “(2) the major acquisition program does not
9 meet the definition of capital asset, as defined by the
10 Director of the Office of Management and Budget.

11 “(c) CONGRESSIONAL OVERSIGHT.—At the same time
12 the budget of the President is submitted for a fiscal year
13 under section 1105(a) of title 31, United States Code, the
14 Secretary shall make information available, as applicable,
15 to the congressional homeland security committees regard-
16 ing the requirement described in subsection (a) in the prior
17 fiscal year that includes, with respect to each major acquisi-
18 tion program for which the Secretary has issued a waiver
19 under subsection (b)—

20 “(1) the grounds for granting a waiver for the
21 program;

22 “(2) the projected cost of the program;

23 “(3) the proportion of the annual acquisition
24 budget of each component or office attributed to the
25 program, as available; and

1 “(3) test emerging and established acquisition
2 best practices for carrying out acquisitions, consistent
3 with applicable laws, regulations, and Department
4 directives, as appropriate;

5 “(4) develop and distribute best practices and
6 lessons learned regarding acquisition innovation
7 throughout the Department;

8 “(5) establish metrics to measure the effectiveness
9 of acquisition innovation efforts with respect to cost,
10 operational efficiency of the acquisition program, in-
11 cluding timeframes for executing contracts, and col-
12 laboration with the private sector, including small-
13 and medium-sized businesses; and

14 “(6) determine impacts of acquisition innovation
15 efforts on the private sector by—

16 “(A) engaging with the private sector, in-
17 cluding small- and medium-sized businesses, to
18 provide information and obtain feedback on pro-
19 curement practices and acquisition innovation
20 efforts of the Department;

21 “(B) obtaining feedback from the private
22 sector on the impact of acquisition innovation ef-
23 forts of the Department; and

24 “(C) incorporating the feedback described in
25 subparagraphs (A) and (B), as appropriate, into

1 *future acquisition innovation efforts of the De-*
2 *partment.”.*

3 (b) *TECHNICAL AND CONFORMING AMENDMENT.—The*
4 *table of contents in section 1(b) of the Homeland Security*
5 *Act of 2002 (Public Law 107–296; 116 Stat. 2135), as*
6 *amended by section 1214, is amended by inserting after the*
7 *item relating to section 717 the following:*

 “*Sec. 718. Acquisition innovation.*”.

8 (c) *INFORMATION.—*

9 (1) *DEFINITIONS.—In this subsection—*

10 (A) *the term “congressional homeland secu-*
11 *arity committees” means—*

12 (i) *the Committee on Homeland Secu-*
13 *arity of the House of Representatives and the*
14 *Committee on Homeland Security and Gov-*
15 *ernmental Affairs of the Senate; and*

16 (ii) *the Committee on Appropriations*
17 *of the House of Representatives and the*
18 *Committee on Appropriations of the Senate;*
19 *and*

20 (B) *the term “Department” means the De-*
21 *partment of Homeland Security.*

22 (2) *REQUIREMENT.—Not later than 90 days*
23 *after the date on which the Secretary of Homeland*
24 *Security submits the annual budget justification for*
25 *the Department for fiscal year 2020 and every fiscal*

1 *year thereafter through fiscal year 2025, the officers*
2 *under the director of the Under Secretary for Manage-*
3 *ment of the Department shall provide a briefing to the*
4 *congressional homeland security committees on the ac-*
5 *tivities undertaken in the previous fiscal year in fur-*
6 *therance of section 718 of the Homeland Security Act*
7 *of 2002, as added by subsection (a), which shall in-*
8 *clude:*

9 *(A) Emerging and existing acquisition best*
10 *practices that were tested within the Department*
11 *during that fiscal year.*

12 *(B) Efforts to distribute best practices and*
13 *lessons learned within the Department, including*
14 *through web-based seminars, training, and fo-*
15 *rum, during that fiscal year.*

16 *(C) Metrics captured by the Department*
17 *and aggregate performance information for inno-*
18 *vation efforts.*

19 *(D) Performance as measured by the*
20 *metrics established under paragraph (5) of such*
21 *section 718.*

22 *(E) Outcomes of efforts to distribute best*
23 *practices and lessons learned within the Depart-*
24 *ment, including through web-based seminars,*
25 *training, and forums.*

1 (F) *A description of outreach and engage-*
2 *ment efforts with the private sector and any im-*
3 *pacts of innovative acquisition mechanisms on*
4 *the private sector, including small- and medium-*
5 *sized businesses.*

6 (G) *The criteria used to identify specific ac-*
7 *quisition programs or activities to be included in*
8 *acquisition innovation efforts and the outcomes*
9 *of those programs or activities.*

10 (H) *Recommendations, as necessary, to en-*
11 *hance acquisition innovation in the Department.*

12 ***Subtitle B—Acquisition Program***
13 ***Management Discipline***

14 ***SEC. 1221. ACQUISITION REVIEW BOARD.***

15 (a) *IN GENERAL.—Subtitle D of title VIII of the*
16 *Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is*
17 *amended by adding at the end the following:*

18 ***“SEC. 836. ACQUISITION REVIEW BOARD.***

19 ***“(a) IN GENERAL.—The Secretary shall establish an***
20 ***Acquisition Review Board (in this section referred to as the***
21 ***‘Board’) to—***

22 ***“(1) strengthen accountability and uniformity***
23 ***within the Department acquisition review process;***

24 ***“(2) review major acquisition programs; and***

25 ***“(3) review the use of best practices.***

1 “(b) COMPOSITION.—

2 “(1) CHAIRPERSON.—*The Under Secretary for*
3 *Management shall serve as chairperson of the Board.*

4 “(2) OTHER MEMBERS.—*The Secretary shall en-*
5 *sure participation by other relevant Department offi-*
6 *cials.*

7 “(c) MEETINGS.—

8 “(1) REGULAR MEETINGS.—*The Board shall*
9 *meet regularly for purposes of ensuring all acquisi-*
10 *tion programs proceed in a timely fashion to achieve*
11 *mission readiness.*

12 “(2) OTHER MEETINGS.—*The Board shall con-*
13 *vene—*

14 “(A) *at the discretion of the Secretary; and*

15 “(B) *at any time—*

16 “(i) *a major acquisition program—*

17 “(I) *requires authorization to pro-*
18 *ceed from one acquisition decision*
19 *event to another throughout the acqui-*
20 *sition life cycle;*

21 “(II) *is in breach of the approved*
22 *acquisition program baseline of the*
23 *major acquisition program; or*

1 “(III) requires additional review,
2 as determined by the Under Secretary
3 for Management; or

4 “(ii) a non-major acquisition program
5 requires review, as determined by the Under
6 Secretary for Management.

7 “(d) *RESPONSIBILITIES.*—The responsibilities of the
8 Board are as follows:

9 “(1) Determine whether a proposed acquisition
10 program has met the requirements of phases of the ac-
11 quisition life cycle framework and is able to proceed
12 to the next phase and eventual full production and
13 deployment.

14 “(2) Oversee whether the business strategy, re-
15 sources, management, and accountability of a pro-
16 posed acquisition are executable and are aligned to
17 strategic initiatives.

18 “(3) Support the person with acquisition deci-
19 sion authority for an acquisition program in deter-
20 mining the appropriate direction for the acquisition
21 at key acquisition decision events.

22 “(4) Conduct reviews of acquisitions to ensure
23 that the acquisitions are progressing in compliance
24 with the approved documents for their current acqui-
25 sition phases.

1 “(5) Review the acquisition program documents
2 of each major acquisition program, including the ac-
3 quisition program baseline and documentation reflect-
4 ing consideration of tradeoffs among cost, schedule,
5 and performance objectives, to ensure the reliability of
6 underlying data.

7 “(6) Ensure that practices are adopted and im-
8 plemented to require consideration of tradeoffs among
9 cost, schedule, and performance objectives as part of
10 the process for developing requirements for major ac-
11 quisition programs prior to the initiation of the sec-
12 ond acquisition decision event, including, at a min-
13 imum, the following practices:

14 “(A) Department officials responsible for
15 acquisition, budget, and cost estimating func-
16 tions are provided with the appropriate oppor-
17 tunity to develop estimates and raise cost and
18 schedule matters before performance objectives
19 are established for capabilities when feasible.

20 “(B) Full consideration is given to possible
21 trade-offs among cost, schedule, and performance
22 objectives for each alternative.

23 “(e) ACQUISITION PROGRAM BASELINE REPORT RE-
24 QUIREMENT.—If the person exercising acquisition decision
25 authority over a major acquisition program approves the

1 *major acquisition program to proceed before the major ac-*
2 *quisition program has a Department-approved acquisition*
3 *program baseline, as required by Department policy—*

4 “(1) *the Under Secretary for Management shall*
5 *create and approve an acquisition program baseline*
6 *report regarding such approval; and*

7 “(2) *the Secretary shall—*

8 “(A) *not later than 7 days after the date on*
9 *which the acquisition decision memorandum is*
10 *signed, provide written notice of the decision to*
11 *the appropriate committees of Congress; and*

12 “(B) *not later than 60 days after the date*
13 *on which the acquisition decision memorandum*
14 *is signed, provide the memorandum and a brief-*
15 *ing to the appropriate committees of Congress.*

16 “(f) *REPORT.—Not later than 1 year after the date of*
17 *enactment of this section and every year thereafter through*
18 *fiscal year 2022, the Under Secretary for Management shall*
19 *provide information to the appropriate committees of Con-*
20 *gress on the activities of the Board for the prior fiscal year*
21 *that includes information relating to—*

22 “(1) *for each meeting of the Board, any acquisi-*
23 *tion decision memoranda;*

24 “(2) *the results of the systematic reviews con-*
25 *ducted under subsection (d)(4);*

1 “(3) the results of acquisition document reviews
2 required under subsection (d)(5); and

3 “(4) activities to ensure that practices are adopt-
4 ed and implemented throughout the Department
5 under subsection (d)(6).”.

6 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—The
7 table of contents in section 1(b) of the Homeland Security
8 Act of 2002 (Public Law 107–296; 116 Stat. 2135) is
9 amended by inserting after the item relating to section 835
10 the following:

 “Sec. 836. Acquisition Review Board.”.

11 **SEC. 1222. DEPARTMENT LEADERSHIP COUNCILS.**

12 (a) *IN GENERAL.*—Subtitle H of title VIII of the
13 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is
14 amended by adding at the end the following:

15 **“SEC. 890B. DEPARTMENT LEADERSHIP COUNCILS.**

16 “(a) *DEPARTMENT LEADERSHIP COUNCILS.*—

17 “(1) *ESTABLISHMENT.*—The Secretary may es-
18 tablish Department leadership councils as the Sec-
19 retary determines necessary to ensure coordination
20 and improve programs and activities of the Depart-
21 ment.

22 “(2) *FUNCTION.*—A Department leadership
23 council shall—

24 “(A) serve as a coordinating forum;

1 “(B) advise the Secretary and Deputy Sec-
2 retary on Department strategy, operations, and
3 guidance;

4 “(C) establish policies to reduce duplication
5 in acquisition programs; and

6 “(D) consider and report on such other
7 matters as the Secretary or Deputy Secretary
8 may direct.

9 “(3) *RELATIONSHIP TO OTHER FORUMS.*—The
10 Secretary or Deputy Secretary may delegate the au-
11 thority to direct the implementation of any decision
12 or guidance resulting from the action of a Depart-
13 ment leadership council to any office, component, co-
14 ordinator, or other senior official of the Department.

15 “(b) *JOINT REQUIREMENTS COUNCIL.*—

16 “(1) *DEFINITION OF JOINT REQUIREMENT.*—In
17 this subsection, the term ‘joint requirement’ means a
18 condition or capability of multiple operating compo-
19 nents of the Department that is required to be met or
20 possessed by a system, product, service, result, or com-
21 ponent to satisfy a contract, standard, specification,
22 or other formally imposed document.

23 “(2) *ESTABLISHMENT.*—The Secretary shall es-
24 tablish within the Department a Joint Requirements
25 Council.

1 “(3) *MISSION.*—*In addition to other matters as-*
2 *signed to the Joint Requirements Council by the Sec-*
3 *retary and Deputy Secretary, the Joint Requirements*
4 *Council shall—*

5 “(A) *identify, assess, and validate joint re-*
6 *quirements, including existing systems and asso-*
7 *ciated capability gaps, to meet mission needs of*
8 *the Department;*

9 “(B) *ensure that appropriate efficiencies are*
10 *made among life cycle cost, schedule, and per-*
11 *formance objectives, and procurement quantity*
12 *objectives, in the establishment and approval of*
13 *joint requirements; and*

14 “(C) *make prioritized capability rec-*
15 *ommendations for the joint requirements vali-*
16 *dated under subparagraph (A) to the Secretary,*
17 *the Deputy Secretary, or the chairperson of a*
18 *Department leadership council designated by the*
19 *Secretary to review decisions of the Joint Re-*
20 *quirements Council.*

21 “(4) *CHAIRPERSON.*—*The Secretary shall ap-*
22 *point a chairperson of the Joint Requirements Coun-*
23 *cil, for a term of not more than 2 years, from among*
24 *senior officials of the Department as designated by the*
25 *Secretary.*

1 “(5) *COMPOSITION.*—*The Joint Requirements*
2 *Council shall be composed of senior officials rep-*
3 *resenting components of the Department and other*
4 *senior officials as designated by the Secretary.*

5 “(6) *RELATIONSHIP TO FUTURE YEARS HOME-*
6 *LAND SECURITY PROGRAM.*—*The Secretary shall en-*
7 *sure that the Future Years Homeland Security Pro-*
8 *gram required under section 874 is consistent with*
9 *the recommendations of the Joint Requirements Coun-*
10 *cil required under paragraph (3)(C), as affirmed by*
11 *the Secretary, the Deputy Secretary, or the chair-*
12 *person of a Department leadership council designated*
13 *by the Secretary under that paragraph.”.*

14 “(b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*
15 *table of contents in section 1(b) of the Homeland Security*
16 *Act of 2002 (Public Law 107–296; 116 Stat. 2135) is*
17 *amended by inserting after the item relating to section 890A*
18 *the following:*

 “*Sec. 890B. Department Joint Requirements Council.*”.

19 **SEC. 1223. EXCLUDED PARTY LIST SYSTEM WAIVERS.**

20 *Not later than 5 days after the date on which the Chief*
21 *Procurement Officer or Chief Financial Officer of the De-*
22 *partment of Homeland Security issues a waiver of the re-*
23 *quirement that an agency not engage in business with a*
24 *contractor or other recipient of funds listed in the System*
25 *for Award Management, or a successor system, as main-*

1 tained by the General Services Administration, the Office
2 of Legislative Affairs of the Department of Homeland Secu-
3 rity shall submit to Congress notice of such waiver and an
4 explanation for a finding by the Under Secretary for Man-
5 agement that a compelling reason exists for issuing the
6 waiver.

7 **SEC. 1224. INSPECTOR GENERAL OVERSIGHT OF SUSPEN-**
8 **SION AND DEBARMENT.**

9 *The Inspector General of the Department of Homeland*
10 *Security shall—*

11 *(1) conduct audits as determined necessary by*
12 *the Inspector General regarding grant and procure-*
13 *ment awards to identify instances in which a con-*
14 *tract or grant was improperly awarded to a sus-*
15 *pended or debarred entity and whether corrective ac-*
16 *tions were taken to prevent recurrence; and*

17 *(2) review the suspension and debarment pro-*
18 *gram throughout the Department of Homeland Secu-*
19 *rity to assess whether suspension and debarment cri-*
20 *teria are consistently applied throughout the Depart-*
21 *ment of Homeland Security and whether disparities*
22 *exist in the application of such criteria, particularly*
23 *with respect to business size and categories.*

1 **SEC. 1225. SUSPENSION AND DEBARMENT PROGRAM AND**
2 **PAST PERFORMANCE.**

3 (a) *DEFINITIONS.—In this section—*

4 (1) *the term “congressional homeland security*
5 *committees” has the meaning given the term in sec-*
6 *tion 2 of the Homeland Security Act of 2002, as*
7 *amended by this Act;*

8 (2) *the term “Department” means the Depart-*
9 *ment of Homeland Security; and*

10 (3) *the term “Secretary” means the Secretary of*
11 *Homeland Security.*

12 (b) *ESTABLISHMENT.—*

13 (1) *IN GENERAL.—The Secretary shall establish*
14 *a suspension and debarment program that ensures the*
15 *Department and each of the components of the De-*
16 *partment comply with the laws, regulations, and*
17 *guidance related to the suspension, debarment, and*
18 *ineligibility of contractors.*

19 (2) *REQUIREMENTS.—The program required to*
20 *be established under paragraph (1) shall include poli-*
21 *cies and processes for—*

22 (A) *tracking, reviewing, and documenting*
23 *suspension and debarment decisions, including*
24 *those related to poor performance, fraud, na-*
25 *tional security considerations, and other criteria*
26 *determined appropriate by the Secretary;*

1 (B) ensuring consideration of and referral
2 for suspension, debarment, or other necessary ac-
3 tions that protect the interests of the Federal
4 Government;

5 (C) managing and sharing relevant docu-
6 ments and information on contractors for use
7 across the Department;

8 (D) requiring timely reporting into depart-
9 mental and Government-wide databases by the
10 suspension and debarment officials of contractor
11 suspensions, debarments, or determinations of
12 ineligibility, or other relevant information; and

13 (E) issuing guidance to implement these
14 policies and for the timely implementation of
15 agreed upon recommendations from the Inspector
16 General of the Department or the Comptroller
17 General of the United States.

18 (3) *ADDITIONAL REQUIREMENTS.*—*The program*
19 *required to be established under subsection (b)(1)*
20 *shall—*

21 (A) require that any referral made by a
22 contracting official for consideration of actions
23 to protect the interests of the Federal Government
24 be evaluated by the Suspension and Debarment

1 *Official in writing in accordance with applicable*
2 *regulations; and*

3 *(B) develop and require training for all*
4 *contracting officials of the Department on the*
5 *causes for suspension and debarment and com-*
6 *plying with departmental and Government-wide*
7 *policies and processes.*

8 *(c) PAST PERFORMANCE REVIEW.—*

9 *(1) IN GENERAL.—The Chief Procurement Offi-*
10 *cer of the Department shall require for any sollicita-*
11 *tion for a competitive contract by a component of the*
12 *Department that the head of contracting activity for*
13 *the component shall include past performance as an*
14 *evaluation factor in the solicitation, consistent with*
15 *applicable laws and regulations and policies estab-*
16 *lished by the Chief Procurement Officer.*

17 *(2) REQUIREMENTS.—In carrying out the re-*
18 *quirements of paragraph (1), the Chief Procurement*
19 *Officer shall establish departmental policies and pro-*
20 *cedures, consistent with applicable laws and regula-*
21 *tions, to assess the past performance of contractors*
22 *and relevant subcontractors (including contracts per-*
23 *formed at the State or local level) as part of the*
24 *source selection process.*

25 *(3) WAIVERS.—*

1 (A) *IN GENERAL.*—*The Chief Procurement*
2 *Officer of the Department may waive a require-*
3 *ment under paragraph (1) with respect to a so-*
4 *solicitation if the Chief Procurement Officer deter-*
5 *mines that the waiver is in the best interest of*
6 *the Government.*

7 (B) *NOTIFICATION.*—*Not later than 30 days*
8 *after the date on which the Chief Procurement*
9 *Officer issues a waiver under subparagraph (A),*
10 *the Secretary shall submit to the congressional*
11 *homeland security committees written notice of*
12 *the waiver, which shall include a description of*
13 *the reasons for the waiver.*

14 ***Subtitle C—Acquisition Program***
15 ***Management Accountability and***
16 ***Transparency***

17 ***SEC. 1231. CONGRESSIONAL NOTIFICATION FOR MAJOR AC-***
18 ***QUISITION PROGRAMS.***

19 (a) *IN GENERAL.*—*Subtitle D of title VIII of the*
20 *Homeland Security Act of 2002 (6 U.S.C. 391 et seq.), as*
21 *amended by section 1221, is amended by adding at the end*
22 *the following:*

1 **“SEC. 837. CONGRESSIONAL NOTIFICATION AND OTHER RE-**
2 **QUIREMENTS FOR MAJOR ACQUISITION PRO-**
3 **GRAM BREACH.**

4 *“(a) DEFINITION OF APPROPRIATE COMMITTEES OF*
5 *CONGRESS.—In this section, the term ‘appropriate commit-*
6 *tees of Congress’ means—*

7 *“(1) the Committee on Homeland Security and*
8 *the Committee on Appropriations of the House of*
9 *Representatives and the Committee on Homeland Se-*
10 *curity and Governmental Affairs and the Committee*
11 *on Appropriations of the Senate; and*

12 *“(2) in the case of notice or a report relating to*
13 *the Coast Guard or the Transportation Security Ad-*
14 *ministration, the committees described in paragraph*
15 *(1) and the Committee on Transportation and Infra-*
16 *structure of the House of Representatives and the*
17 *Committee on Commerce, Science, and Transpor-*
18 *tation of the Senate.*

19 *“(b) REQUIREMENTS WITHIN DEPARTMENT IN EVENT*
20 *OF BREACH.—*

21 *“(1) NOTIFICATIONS.—*

22 *“(A) NOTIFICATION OF BREACH.—If a*
23 *breach occurs in a major acquisition program,*
24 *the program manager for the program shall no-*
25 *tify the Component Acquisition Executive for the*
26 *program, the head of the component concerned,*

1 *the Executive Director of the Program Account-*
2 *ability and Risk Management division, the*
3 *Under Secretary for Management, and the Dep-*
4 *uty Secretary not later than 30 calendar days*
5 *after the date on which the breach is identified.*

6 “(B) NOTIFICATION TO SECRETARY.—If a
7 breach occurs in a major acquisition program
8 and the breach results in a cost overrun greater
9 than 15 percent, a schedule delay greater than
10 180 days, or a failure to meet any of the per-
11 formance thresholds from the cost, schedule, or
12 performance parameters specified in the most re-
13 cently approved acquisition program baseline for
14 the program, the Component Acquisition Execu-
15 tive for the program shall notify the Secretary
16 and the Inspector General of the Department not
17 later than 5 business days after the date on
18 which the Component Acquisition Executive for
19 the program, the head of the component con-
20 cerned, the Executive Director of the Program
21 Accountability and Risk Management Division,
22 the Under Secretary for Management, and the
23 Deputy Secretary are notified of the breach
24 under subparagraph (A).

1 “(2) *REMEDIATION PLAN AND ROOT CAUSE ANAL-*
2 *YSIS.—*

3 “(A) *IN GENERAL.—If a breach occurs in a*
4 *major acquisition program, the program man-*
5 *ager for the program shall submit in writing to*
6 *the head of the component concerned, the Execu-*
7 *tive Director of the Program Accountability and*
8 *Risk Management division, and the Under Sec-*
9 *retary for Management, at a date established by*
10 *the Under Secretary for Management, a remedi-*
11 *ation plan and root cause analysis relating to*
12 *the breach and program.*

13 “(B) *REMEDIATION PLAN.—The remedi-*
14 *ation plan required under subparagraph (A)*
15 *shall—*

16 “(i) *explain the circumstances of the*
17 *breach at issue;*

18 “(ii) *provide prior cost estimating in-*
19 *formation;*

20 “(iii) *include a root cause analysis*
21 *that determines the underlying cause or*
22 *causes of shortcomings in cost, schedule, or*
23 *performance of the major acquisition pro-*
24 *gram with respect to which the breach has*
25 *occurred, including the role, if any, of—*

1 “(I) unrealistic performance ex-
2 pectations;

3 “(II) unrealistic baseline esti-
4 mates for cost or schedule or changes in
5 program requirements;

6 “(III) immature technologies or
7 excessive manufacturing or integration
8 risk;

9 “(IV) unanticipated design, engi-
10 neering, manufacturing, or technology
11 integration issues arising during pro-
12 gram performance;

13 “(V) changes to the scope of the
14 program;

15 “(VI) inadequate program fund-
16 ing or changes in planned out-year
17 funding from one 5-year funding plan
18 to the next 5-year funding plan as out-
19 lined in the *Future Years Homeland*
20 *Security Program* required under sec-
21 tion 874;

22 “(VII) legislative, legal, or regu-
23 latory changes; or

24 “(VIII) inadequate program man-
25 agement personnel, including lack of

1 *sufficient number of staff, training,*
2 *credentials, certifications, or use of best*
3 *practices;*

4 “(iv) *propose corrective action to ad-*
5 *dress cost growth, schedule delays, or per-*
6 *formance issues;*

7 “(v) *explain the rationale for why a*
8 *proposed corrective action is recommended;*
9 *and*

10 “(vi) *in coordination with the Compo-*
11 *nent Acquisition Executive for the program,*
12 *discuss all options considered, including—*

13 “(I) *the estimated impact on cost,*
14 *schedule, or performance of the pro-*
15 *gram if no changes are made to cur-*
16 *rent requirements;*

17 “(II) *the estimated cost of the pro-*
18 *gram if requirements are modified;*
19 *and*

20 “(III) *the extent to which funding*
21 *from other programs will need to be re-*
22 *duced to cover the cost growth of the*
23 *program.*

24 “(3) *REVIEW OF CORRECTIVE ACTIONS.—*

1 “(A) *IN GENERAL.*—*The Under Secretary*
2 *for Management*—

3 “(i) *shall review each remediation plan*
4 *required under paragraph (2); and*

5 “(ii) *not later than 30 days after sub-*
6 *mission of a remediation plan under para-*
7 *graph (2), may approve the plan or provide*
8 *an alternative proposed corrective action.*

9 “(B) *SUBMISSION TO CONGRESS.*—*Not later*
10 *than 30 days after the date on which the Under*
11 *Secretary for Management completes a review of*
12 *a remediation plan under subparagraph (A), the*
13 *Under Secretary for Management shall submit to*
14 *the appropriate committees of Congress a copy of*
15 *the remediation plan.*

16 “(c) *REQUIREMENTS RELATING TO CONGRESSIONAL*
17 *NOTIFICATION IF BREACH OCCURS.*—

18 “(1) *NOTIFICATION TO CONGRESS.*—*If a notifica-*
19 *tion to the Secretary is made under subsection*
20 *(b)(1)(B) relating to a breach in a major acquisition*
21 *program, the Under Secretary for Management shall*
22 *notify the appropriate committees of Congress of the*
23 *breach in the next semi-annual Acquisition Program*
24 *Health Assessment described in section 717(a)(3) after*

1 receipt by the Under Secretary for Management of the
2 notification under subsection (b)(1)(B).

3 “(2) *SIGNIFICANT VARIANCES IN COSTS OR*
4 *SCHEDULE.*—If a likely cost overrun is greater than
5 20 percent or a likely delay is greater than 12 months
6 from the costs and schedule specified in the acquisi-
7 tion program baseline for a major acquisition pro-
8 gram, the Under Secretary for Management shall in-
9 clude in the notification required under paragraph
10 (1) a written certification, with supporting expla-
11 nation, that—

12 “(A) the program is essential to the accom-
13 plishment of the mission of the Department;

14 “(B) there are no alternatives to the capa-
15 bility or asset provided by the program that will
16 provide equal or greater capability in a more
17 cost-effective and timely manner;

18 “(C) the management structure for the pro-
19 gram is adequate to manage and control cost,
20 schedule, and performance; and

21 “(D) includes the date on which the new ac-
22 quisition schedule and estimates for total acqui-
23 sition cost will be completed.”.

24 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—The
25 table of contents in section 1(b) of the Homeland Security

1 *Act of 2002 (Public Law 107–296; 116 Stat. 2135), as*
2 *amended by section 1221, is amended by inserting after the*
3 *item relating to section 836 the following:*

“Sec. 837. Congressional notification and other requirements for major acquisition program breach.”.

4 **SEC. 1232. MULTIYEAR ACQUISITION STRATEGY.**

5 *(a) IN GENERAL.—Subtitle D of title VIII of the*
6 *Homeland Security Act of 2002 (6 U.S.C. 391 et seq.), as*
7 *amended by section 1231, is amended by adding at the end*
8 *the following:*

9 **“SEC. 838. MULTIYEAR ACQUISITION STRATEGY.**

10 *“(a) IN GENERAL.—Not later than 1 year after the*
11 *date of enactment of this section, the Under Secretary for*
12 *Management shall brief the appropriate congressional com-*
13 *mittees on a multiyear acquisition strategy to—*

14 *“(1) guide the overall direction of the acquisi-*
15 *tions of the Department while allowing flexibility to*
16 *deal with ever-changing threats and risks;*

17 *“(2) keep pace with changes in technology that*
18 *could impact deliverables; and*

19 *“(3) help industry better understand, plan, and*
20 *align resources to meet the future acquisition needs of*
21 *the Department.*

22 *“(b) UPDATES.—The strategy required under sub-*
23 *section (a) shall be updated and included in each Future*

1 *Years Homeland Security Program required under section*
2 *874.*

3 “(c) *CONSULTATION.*—*In developing the strategy re-*
4 *quired under subsection (a), the Secretary shall, as the Sec-*
5 *retary determines appropriate, consult with headquarters,*
6 *components, employees in the field, and individuals from*
7 *industry and the academic community.”.*

8 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*
9 *table of contents in section 1(b) of the Homeland Security*
10 *Act of 2002 (Public Law 107–296; 116 Stat. 2135), as*
11 *amended by section 1231, is amended by inserting after the*
12 *item relating to section 837 the following:*

 “*Sec. 838. Multiyear acquisition strategy.*”.

13 **SEC. 1233. REPORT ON BID PROTESTS.**

14 (a) *DEFINITIONS.*—*In this section—*

15 (1) *the term “appropriate committees of Con-*
16 *gress” has the meaning given the term in section*
17 *837(a) of the Homeland Security Act of 2002, as*
18 *added by section 1231(a); and*

19 (2) *the term “Department” means the Depart-*
20 *ment of Homeland Security.*

21 (b) *STUDY AND REPORT.*—*Not later than 1 year after*
22 *the date of enactment of this Act, the Inspector General of*
23 *the Department shall conduct a study, in consultation with*
24 *the Government Accountability Office when necessary, and*
25 *submit to the appropriate committees of Congress a report*

1 *on the prevalence and impact of bid protests on the acquisi-*
2 *tion process of the Department, in particular bid protests*
3 *filed with the Government Accountability Office and the*
4 *United States Court of Federal Claims.*

5 (c) *CONTENTS.*—*The report required under subsection*
6 *(b) shall include—*

7 (1) *with respect to contracts with the Depart-*
8 *ment—*

9 (A) *trends in the number of bid protests*
10 *filed with Federal agencies, the Government Ac-*
11 *countability Office, and Federal courts and the*
12 *rate of those bid protests compared to contract*
13 *obligations and the number of contracts;*

14 (B) *an analysis of bid protests filed by in-*
15 *cumbent contractors, including the rate at which*
16 *those contractors are awarded bridge contracts or*
17 *contract extensions over the period during which*
18 *the bid protest remains unresolved;*

19 (C) *a comparison of the number of bid pro-*
20 *tests and the outcome of bid protests for—*

21 (i) *awards of contracts compared to*
22 *awards of task or delivery orders;*

23 (ii) *contracts or orders primarily for*
24 *products compared to contracts or orders*
25 *primarily for services;*

1 (iii) protests filed pre-award to chal-
2 lenge the solicitation compared to those filed
3 post-award;

4 (iv) contracts or awards with single
5 protestors compared to multiple protestors;
6 and

7 (v) contracts with single awards com-
8 pared to multiple award contracts;

9 (D) a description of trends in the number
10 of bid protests filed as a percentage of contracts
11 and as a percentage of task or delivery orders by
12 the value of the contract or order with respect
13 to—

14 (i) contracts valued at more than
15 \$300,000,000;

16 (ii) contracts valued at not less than
17 \$50,000,000 and not more than
18 \$300,000,000;

19 (iii) contracts valued at not less than
20 \$10,000,000 and not more than
21 \$50,000,000; and

22 (iv) contracts valued at less than
23 \$10,000,000;

24 (E) an assessment of the cost and schedule
25 impact of successful and unsuccessful bid pro-

1 *tests, as well as delineation of litigation costs,*
2 *filed on major acquisitions with more than*
3 *\$100,000,000 in annual expenditures or*
4 *\$300,000,000 in life cycle costs;*

5 *(F) an analysis of how often bid protestors*
6 *are awarded the contract that was the subject of*
7 *the bid protest;*

8 *(G) a summary of the results of bid protests*
9 *in which the Department took unilateral correc-*
10 *tive action, including the average time for reme-*
11 *dial action to be completed;*

12 *(H) the time it takes the Department to im-*
13 *plement corrective actions after a ruling or deci-*
14 *sion with respect to a bid protest, and the per-*
15 *centage of those corrective actions that are subse-*
16 *quently protested, including the outcome of any*
17 *subsequent bid protest;*

18 *(I) an analysis of those contracts with re-*
19 *spect to which a company files a bid protest and*
20 *later files a subsequent bid protest; and*

21 *(J) an assessment of the overall time spent*
22 *on preventing and responding to bid protests as*
23 *it relates to the procurement process; and*

1 (2) *any recommendations by the Inspector Gen-*
2 *eral of the Department relating to the study con-*
3 *ducted under this section.*

4 **SEC. 1234. PROHIBITION AND LIMITATIONS ON USE OF**
5 **COST-PLUS CONTRACTS.**

6 (a) *DEFINITIONS.—In this section—*

7 (1) *the term “Department” means the Depart-*
8 *ment of Homeland Security; and*

9 (2) *the term “major acquisition program” has*
10 *the meaning given the term in section 2 of the Home-*
11 *land Security Act of 2002 (6 U.S.C. 101), as amended*
12 *by this Act.*

13 (b) *PROHIBITION.—Not later than 120 days after the*
14 *date of enactment of this Act, the Secretary of Homeland*
15 *Security shall modify the acquisition regulations of the De-*
16 *partment to prohibit the use of cost-type contracts, unless*
17 *the head of contracting activity determines in writing*
18 *that—*

19 (1) *a cost-type contract is required by the level*
20 *of program risk; and*

21 (2) *appropriate steps will be taken as soon as*
22 *practicable to reduce that risk so that follow-on con-*
23 *tracts for the same product or service can be awarded*
24 *on a fixed-price basis, and delineates those steps in*
25 *writing.*

1 (c) *MAJOR ACQUISITION PROGRAMS.*—

2 (1) *PROHIBITION.*—*The Department shall pro-*
3 *hibit the use of cost-plus contracts with respect to pro-*
4 *curements for the production of major acquisition*
5 *programs.*

6 (2) *LIMITATION ON AUTHORIZING OF COST-TYPE*
7 *CONTRACTS.*—*The Chief Procurement Officer of the*
8 *Department, in consultation with the Acquisition Re-*
9 *view Board required to be established under section*
10 *836 of the Homeland Security Act of 2002, as added*
11 *by section 1221(a), may authorize the use of a cost-*
12 *type contract for a major acquisition program only*
13 *upon a written determination that—*

14 (A) *the major acquisition program is so*
15 *complex and technically challenging that it is*
16 *not practicable to use a contract type other than*
17 *a cost-plus reimbursable contract for the develop-*
18 *ment of the major acquisition program;*

19 (B) *all reasonable efforts have been made to*
20 *define the requirements sufficiently to allow for*
21 *the use of a contract type other than a cost-plus*
22 *reimbursable contract for the development of the*
23 *major acquisition program; and*

24 (C) *despite the efforts described in subpara-*
25 *graph (B), the Department cannot define re-*

1 *quirements sufficiently to allow for the use of a*
2 *contract type other than a cost-plus reimbursable*
3 *contract for the development of the major acqui-*
4 *sition program.*

5 **SEC. 1235. BRIDGE CONTRACTS.**

6 *(a) DEFINITIONS.—In this section—*

7 *(1) the terms “acquisition program” and “con-*
8 *gressional homeland security committees” have the*
9 *meanings given those terms in section 2 of the Home-*
10 *land Security Act of 2002, as amended by this Act;*

11 *(2) the term “Department” means the Depart-*
12 *ment of Homeland Security; and*

13 *(3) the term “Executive agency” has the mean-*
14 *ing given the term in section 105 of title 5, United*
15 *States Code.*

16 *(b) POLICIES AND PROCEDURES.—The Chief Procure-*
17 *ment Officer of the Department shall develop, in consulta-*
18 *tion with the Office of Federal Procurement Policy—*

19 *(1) a common definition of a bridge contract;*
20 *and*

21 *(2) policies and procedures for the Department*
22 *that, to the greatest extent practicable, seek to—*

23 *(A) minimize the use of bridge contracts*
24 *while providing for continuation of services to be*
25 *performed through contracts; and*

1 (B) ensure appropriate planning by con-
2 tracting officials.

3 (c) *REQUIRED ELEMENTS.*—The policies and proce-
4 dures developed under subsection (b) shall include the fol-
5 lowing elements:

6 (1) Sufficient time and planning to review con-
7 tract requirements, compete contracts as appropriate,
8 enter into contracts, and consider the possibility of
9 bid protests.

10 (2) For contracts that do not meet timeliness
11 standards or that require entering into bridge con-
12 tracts, contracting officials shall notify the Chief Pro-
13 curement Officer of the Department and the head of
14 the component agency of the Department.

15 (3) The Chief Procurement Officer of the Depart-
16 ment shall approve any bridge contract that lasts
17 longer than 6 months, and the head of the component
18 agency of the Department shall approve any bridge
19 contract that lasts longer than 1 year.

20 (d) *PUBLIC NOTICE.*—The Chief Procurement Officer
21 of the Department shall provide public notice not later than
22 30 days after entering into a bridge contract, which shall
23 include the notice required under subsection (c)(2) to the
24 extent that information is available.

1 (e) *EXCEPTIONS.*—*The policies and procedures devel-*
2 *oped under subsection (b) shall not apply to—*

3 (1) *service contracts in support of contingency*
4 *operations, humanitarian assistance, or disaster re-*
5 *lief;*

6 (2) *service contracts in support of national secu-*
7 *rity emergencies declared with respect to named oper-*
8 *ations; or*

9 (3) *service contracts entered into pursuant to*
10 *international agreements.*

11 (f) *REPORTS.*—*Not later than September 30, 2020,*
12 *and by September 30 of each subsequent year thereafter*
13 *until 2025, the Chief Procurement Officer of the Depart-*
14 *ment shall submit to the congressional homeland security*
15 *committees and make publicly available on the website of*
16 *the Department a report on the use of bridge contracts for*
17 *all acquisition programs, which shall include—*

18 (1) *a common definition for a bridge contract, if*
19 *in existence, that is used by contracting offices of Ex-*
20 *ecutive agencies;*

21 (2) *the total number of bridge contracts entered*
22 *into during the previous fiscal year;*

23 (3) *the estimated value of each contract that re-*
24 *quired the use of a bridge contract and the cost of*
25 *each such bridge contract;*

1 (4) *the reasons for and cost of each bridge con-*
2 *tract;*

3 (5) *the types of services or goods being acquired*
4 *under each bridge contract;*

5 (6) *the length of the initial contract that re-*
6 *quired the use of a bridge contract, including the base*
7 *and any exercised option years, and the cumulative*
8 *length of any bridge contract or contracts related to*
9 *the initial contract;*

10 (7) *a description of how many of the contracts*
11 *that required bridge contracts were the result of bid*
12 *protests;*

13 (8) *a description of existing statutory, regu-*
14 *latory, or agency guidance that the Department fol-*
15 *lowed to execute each bridge contract; and*

16 (9) *any other matters determined to be relevant*
17 *by the Chief Procurement Officer of the Department.*

18 **SEC. 1236. ACQUISITION REPORTS.**

19 (a) *IN GENERAL.*—*Subtitle D of title VIII of the*
20 *Homeland Security Act of 2002 (6 U.S.C. 391 et seq.), as*
21 *amended by section 1232, is amended by adding at the end*
22 *the following:*

23 **“SEC. 839. ACQUISITION POLICIES AND GUIDANCE.**

24 “(a) *PROGRAM ACCOUNTABILITY REPORT.*—*The*
25 *Under Secretary for Management shall prepare and submit*

1 *to the congressional homeland security committees a semi-*
2 *annual program accountability report to meet the mandate*
3 *of the Department to perform program health assessments*
4 *and improve program execution and governance.*

5 “(b) *LEVEL 3 ACQUISITION PROGRAMS OF COMPO-*
6 *NENTS OF THE DEPARTMENT.—*

7 “(1) *IDENTIFICATION.—Not later than 60 days*
8 *after the date of enactment of this section, component*
9 *heads of the Department shall identify to the Under*
10 *Secretary for Management all level 3 acquisition pro-*
11 *grams of each respective component.*

12 “(2) *CERTIFICATION.—Not later than 30 days*
13 *after receipt of the information under paragraph (1),*
14 *the Under Secretary for Management shall certify in*
15 *writing to the congressional homeland security com-*
16 *mittees whether the heads of the components of the De-*
17 *partment have properly identified the programs de-*
18 *scribed in that paragraph.*

19 “(3) *METHODOLOGY.—To carry out this sub-*
20 *section, the Under Secretary shall establish a process*
21 *with a repeatable methodology to continually identify*
22 *level 3 acquisition programs.*

23 “(c) *POLICIES AND GUIDANCE.—*

24 “(1) *SUBMISSION.—Not later than 180 days*
25 *after the date of enactment of this section, the Compo-*

1 *ment Acquisition Executives shall submit to the Under*
 2 *Secretary for Management the policies and relevant*
 3 *guidance for the level 3 acquisition programs of each*
 4 *component.*

5 “(2) *CERTIFICATION.*—*Not later than 90 days*
 6 *after receipt of the policies and guidance under sub-*
 7 *paragraph (A), the Under Secretary shall certify in*
 8 *writing to the congressional homeland security com-*
 9 *mittees that the policies and guidance of each compo-*
 10 *nent adhere to Department-wide acquisition poli-*
 11 *cies.”.*

12 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*
 13 *table of contents in section 1(b) of the Homeland Security*
 14 *Act of 2002 (Public Law 107–296; 116 Stat. 2135), as*
 15 *amended by section 1232, is amended by inserting after the*
 16 *item relating to section 838 the following:*

 “*Sec. 839. Acquisition policies and guidance.*”.

17 ***TITLE III—INTELLIGENCE AND***
 18 ***INFORMATION SHARING***
 19 ***Subtitle A—Department of Home-***
 20 ***land Security Intelligence Enter-***
 21 ***prise***

22 ***SEC. 1301. HOMELAND INTELLIGENCE DOCTRINE.***

23 (a) *IN GENERAL.*—*Subtitle A of title II of the Home-*
 24 *land Security Act of 2002 (6 U.S.C. 121 et seq.), as amend-*

1 *ed by section 1601(g) of this Act, is amended by adding*
2 *at the end the following new section:*

3 **“SEC. 210F. HOMELAND INTELLIGENCE DOCTRINE.**

4 “(a) *IN GENERAL.*—Not later than 180 days after the
5 *date of the enactment of this section, the Secretary, acting*
6 *through the Chief Intelligence Officer of the Department, in*
7 *coordination with intelligence components of the Depart-*
8 *ment, the Office of the General Counsel, the Privacy Office,*
9 *and the Office for Civil Rights and Civil Liberties, shall*
10 *develop and disseminate written Department-wide guidance*
11 *for the processing, analysis, production, and dissemination*
12 *of homeland security information (as such term is defined*
13 *in section 892) and terrorism information (as such term*
14 *is defined in section 1016 of the Intelligence Reform and*
15 *Terrorism Prevention Act of 2004 (6 U.S.C. 485)).*

16 “(b) *CONTENTS.*—The guidance required under sub-
17 *section (a) shall, at a minimum, include the following:*

18 “(1) *A description of guiding principles and*
19 *purposes of the Department’s intelligence enterprise.*

20 “(2) *A summary of the roles and responsibilities,*
21 *if any, of each intelligence component of the Depart-*
22 *ment and programs of the intelligence components of*
23 *the Department in the processing, analysis, produc-*
24 *tion, and dissemination of homeland security infor-*
25 *mation and terrorism information, including relevant*

1 *authorities and restrictions applicable to each intel-*
2 *ligence component of the Department and programs of*
3 *each such intelligence component.*

4 *“(3) Guidance for the processing, analysis, and*
5 *production of such information, including descrip-*
6 *tions of component or program specific datasets that*
7 *facilitate the processing, analysis, and production.*

8 *“(4) Guidance for the dissemination of such in-*
9 *formation, including within the Department, among*
10 *and between Federal departments and agencies,*
11 *among and between State, local, tribal, and terri-*
12 *torial governments, including law enforcement agen-*
13 *cies, and with foreign partners and the private sector.*

14 *“(5) A statement of intent regarding how the dis-*
15 *semination of homeland security information and ter-*
16 *rorism information to the intelligence community (as*
17 *such term is defined in section 3(4) of the National*
18 *Security Act of 1947 (50 U.S.C. 3003(4))) and Fed-*
19 *eral law enforcement agencies should assist the intel-*
20 *ligence community and Federal law enforcement*
21 *agencies in carrying out their respective missions.*

22 *“(6) A statement of intent regarding how the dis-*
23 *semination of homeland security information and ter-*
24 *rorism information to State, local, tribal, and terri-*
25 *torial government agencies, including law enforcement*

1 *agencies, should assist the agencies in carrying out*
2 *their respective missions.*

3 *“(c) FORM.—The guidance required under subsection*
4 *(a) shall be disseminated in unclassified form, but may in-*
5 *clude a classified annex.*

6 *“(d) ANNUAL REVIEW.—For each of the 5 fiscal years*
7 *beginning with the first fiscal year that begins after the date*
8 *of the enactment of this section, the Secretary shall conduct*
9 *a review of the guidance required under subsection (a) and,*
10 *as appropriate, revise such guidance.”.*

11 *(b) CLERICAL AMENDMENT.—The table of contents in*
12 *section 1(b) of the Homeland Security Act of 2002 (Public*
13 *Law 107–296; 116 Stat. 2135), as amended by section*
14 *1601(i) of this Act, is amended by inserting after the item*
15 *relating to section 210E the following new item:*

“Sec. 210F. Homeland intelligence doctrine.”.

16 **SEC. 1302. PERSONNEL FOR THE CHIEF INTELLIGENCE OF-**
17 **FICER.**

18 *Section 201(e)(1) of the Homeland Security Act of*
19 *2002 (6 U.S.C. 121(e)(1)) is amended by adding at the end*
20 *the following: “The Secretary shall also provide the Chief*
21 *Intelligence Officer with a staff having appropriate compo-*
22 *nent intelligence program expertise and experience to assist*
23 *the Chief Intelligence Officer.”.*

1 **SEC. 1303. ANNUAL HOMELAND TERRORIST THREAT AS-**
2 **SESSMENTS.**

3 (a) *IN GENERAL.*—Subtitle A of title II of the Home-
4 land Security Act of 2002 (6 U.S.C. 121 et seq.), as amend-
5 ed by this Act, is further amended by adding at the end
6 the following new sections:

7 **“SEC. 210G. HOMELAND TERRORIST THREAT ASSESSMENTS.**

8 “(a) *IN GENERAL.*—Not later than 180 days after the
9 date of the enactment of this section and for each of the
10 following 5 fiscal years (beginning in the first fiscal year
11 that begins after the date of the enactment of this section),
12 the Secretary, acting through the Under Secretary for Intel-
13 ligence and Analysis, and using departmental information,
14 including component information coordinated with each in-
15 telligence component of the Department and programs of
16 each such intelligence component, and information provided
17 through State and major urban area fusion centers, shall
18 conduct an assessment of the terrorist threat to the home-
19 land.

20 “(b) *CONTENTS.*—Each assessment under subsection
21 (a) shall include the following:

22 “(1) *Empirical data assessing terrorist activities*
23 *and incidents over time in the United States, includ-*
24 *ing terrorist activities and incidents planned or sup-*
25 *ported by foreign or domestic terrorists or persons*
26 *outside of the United States to occur in the homeland.*

1 “(2) *An evaluation of current terrorist tactics, as*
2 *well as ongoing and possible future changes in ter-*
3 *rorist tactics.*

4 “(3) *An assessment of criminal activity encoun-*
5 *tered or observed by officers or employees of compo-*
6 *nents which is suspected of financing terrorist activ-*
7 *ity.*

8 “(4) *Detailed information on all individuals sus-*
9 *pected of involvement in terrorist activity and subse-*
10 *quently—*

11 “(A) *prosecuted for a Federal criminal of-*
12 *fense, including details of the criminal charges*
13 *involved;*

14 “(B) *placed into removal proceedings, in-*
15 *cluding details of the removal processes and*
16 *charges used;*

17 “(C) *denied entry into the United States,*
18 *including details of the denial processes used; or*

19 “(D) *subjected to civil proceedings for rev-*
20 *ocation of naturalization.*

21 “(5) *The efficacy and reach of foreign and do-*
22 *mestic terrorist organization propaganda, messaging,*
23 *or recruitment, including details of any specific prop-*
24 *aganda, messaging, or recruitment that contributed to*

1 *terrorist activities identified pursuant to paragraph*
2 *(1).*

3 “(6) *An assessment of threats, including cyber*
4 *threats, to the homeland, including to critical infra-*
5 *structure and Federal civilian networks.*

6 “(7) *An assessment of current and potential ter-*
7 *rorism and criminal threats posed by individuals and*
8 *organized groups seeking to unlawfully enter the*
9 *United States.*

10 “(8) *An assessment of threats to the transpor-*
11 *tation sector, including surface and aviation trans-*
12 *portation systems.*

13 “(c) *ADDITIONAL INFORMATION.—The assessments re-*
14 *quired under subsection (a)—*

15 “(1) *shall, to the extent practicable, utilize exist-*
16 *ing component data collected and existing component*
17 *threat assessments; and*

18 “(2) *may incorporate relevant information and*
19 *analysis from other agencies of the Federal Govern-*
20 *ment, agencies of State and local governments (in-*
21 *cluding law enforcement agencies), as well as the pri-*
22 *vate sector, disseminated in accordance with standard*
23 *information sharing procedures and policies.*

24 “(d) *FORM.—The assessments required under sub-*
25 *section (a) shall be shared with the appropriate congres-*

1 sional committees and submitted in unclassified form, but
2 may include separate classified annexes, if appropriate.

3 **“SEC. 210H. REPORT ON TERRORISM PREVENTION ACTIVI-**
4 **TIES OF THE DEPARTMENT.**

5 “(a) ANNUAL REPORT.—Not later than 1 year after
6 the date of enactment of this section, and annually there-
7 after, the Secretary shall submit to Congress an annual re-
8 port that shall include the following:

9 “(1) A description of the status of the programs
10 and policies of the Department for countering violent
11 extremism and similar activities in the United
12 States.

13 “(2) A description of the efforts of the Depart-
14 ment to cooperate with and provide assistance to
15 other Federal departments and agencies.

16 “(3) Qualitative and quantitative metrics for
17 evaluating the success of the programs and policies
18 described in paragraph (1) and the steps taken to
19 evaluate the success of those programs and policies.

20 “(4) An accounting of—

21 “(A) grants and cooperative agreements
22 awarded by the Department to counter violent
23 extremism; and

1 “(B) all training specifically aimed at
2 countering violent extremism sponsored by the
3 Department.

4 “(5) In coordination with the Under Secretary
5 for Intelligence and Analysis, an analysis of how the
6 activities of the Department to counter violent extre-
7 mism correspond and adapt to the threat environ-
8 ment.

9 “(6) A summary of how civil rights and civil lib-
10 erties are protected in the activities of the Department
11 to counter violent extremism.

12 “(7) An evaluation of the use of grants and coop-
13 erative agreements awarded under sections 2003 and
14 2004 to support efforts of local communities in the
15 United States to counter violent extremism, including
16 information on the effectiveness of those grants and
17 cooperative agreements in countering violent extre-
18 mism.

19 “(8) A description of how the Department incor-
20 porated lessons learned from the countering violent
21 extremism programs and policies and similar activi-
22 ties of foreign, State, local, tribal, and territorial gov-
23 ernments and stakeholder communities.

24 “(9) A description of the decision process used by
25 the Department to rename or refocus the entities

1 *within the Department that are focused on the issues*
2 *described in this subsection, including a description of*
3 *the threat basis for that decision.*

4 “(b) *ANNUAL REVIEW.*—*Not later than 1 year after the*
5 *date of enactment of this section, and annually thereafter,*
6 *the Office for Civil Rights and Civil Liberties of the Depart-*
7 *ment shall—*

8 “(1) *conduct a review of the countering violent*
9 *extremism and similar activities of the Department to*
10 *ensure that all such activities of the Department re-*
11 *spect the privacy, civil rights, and civil liberties of all*
12 *persons; and*

13 “(2) *make publicly available on the website of*
14 *the Department a report containing the results of the*
15 *review conducted under paragraph (1).”.*

16 “(b) *CONFORMING AMENDMENTS.*—*The Homeland Se-*
17 *curity Act of 2002 (6 U.S.C. 101 et seq.) is amended—*

18 “(1) *in section 201(d) (6 U.S.C. 121(d)), by add-*
19 *ing at the end the following:*

20 “(27) *To carry out section 210G (relating to*
21 *homeland terrorist threat assessments) and section*
22 *210H (relating to terrorism prevention activities).”;*
23 *and*

24 “(2) *in section 2008(b)(1) (6 U.S.C. 609(b)(1))—*

1 (A) in subparagraph (A), by striking “or”
2 at the end;

3 (B) in subparagraph (B), by striking the
4 period at the end and inserting “; or”; and

5 (C) by adding at the end the following:

6 “(C) to support any organization or group
7 which has knowingly or recklessly funded domes-
8 tic terrorism or international terrorism (as those
9 terms are defined in section 2331 of title 18,
10 United States Code) or organization or group
11 known to engage in or recruit to such activities,
12 as determined by the Secretary in consultation
13 with the Administrator, the Under Secretary for
14 Intelligence and Analysis, and the heads of other
15 appropriate Federal departments and agencies.”.

16 (c) *CLERICAL AMENDMENT.*—The table of contents in
17 section 1(b) of the Homeland Security Act of 2002 (Public
18 Law 107–296; 116 Stat. 2135), as amended by section 1301,
19 is amended by inserting after the item relating to section
20 210F the following:

 “Sec. 210G. Homeland terrorist threat assessments.

 “Sec. 210H. Report on terrorism prevention activities.”.

21 (d) *SUNSET.*—Effective on the date that is 5 years
22 after the date of enactment of this Act—

23 (1) section 210H of the Homeland Security Act
24 of 2002, as added by subsection (a), is repealed; and

1 (2) *the table of contents in section 1(b) of the*
2 *Homeland Security Act of 2002 (Public Law 107–*
3 *296; 116 Stat. 2135) is amended by striking the item*
4 *relating to section 210H.*

5 **SEC. 1304. DEPARTMENT OF HOMELAND SECURITY DATA**
6 **FRAMEWORK.**

7 (a) *IN GENERAL.—*

8 (1) *DEVELOPMENT.—The Secretary of Homeland*
9 *Security shall develop a data framework to integrate*
10 *existing Department of Homeland Security datasets*
11 *and systems, as appropriate, for access by authorized*
12 *personnel in a manner consistent with relevant legal*
13 *authorities and privacy, civil rights, and civil lib-*
14 *erties policies and protections.*

15 (2) *REQUIREMENTS.—In developing the frame-*
16 *work required under paragraph (1), the Secretary of*
17 *Homeland Security shall ensure, in accordance with*
18 *all applicable statutory and regulatory requirements,*
19 *the following information is included:*

20 (A) *All information acquired, held, or ob-*
21 *tained by an office or component of the Depart-*
22 *ment of Homeland Security that falls within the*
23 *scope of the information sharing environment,*
24 *including homeland security information, ter-*

1 *rorism information, weapons of mass destruction*
2 *information, and national intelligence.*

3 *(B) Any information or intelligence rel-*
4 *evant to priority mission needs and capability*
5 *requirements of the homeland security enterprise,*
6 *as determined appropriate by the Secretary.*

7 *(b) DATA FRAMEWORK ACCESS.—*

8 *(1) IN GENERAL.—The Secretary of Homeland*
9 *Security shall ensure that the data framework re-*
10 *quired under this section is accessible to employees of*
11 *the Department of Homeland Security who the Sec-*
12 *retary determines—*

13 *(A) have an appropriate security clearance;*

14 *(B) are assigned to perform a function that*
15 *requires access to information in such frame-*
16 *work; and*

17 *(C) are trained in applicable standards for*
18 *safeguarding and using such information.*

19 *(2) GUIDANCE.—The Secretary of Homeland Se-*
20 *curity shall—*

21 *(A) issue guidance for Department of*
22 *Homeland Security employees authorized to ac-*
23 *cess and contribute to the data framework pursu-*
24 *ant to paragraph (1); and*

1 (B) ensure that such guidance enforces a
2 duty to share between offices and components of
3 the Department when accessing or contributing
4 to such framework for mission needs.

5 (3) *EFFICIENCY.*—The Secretary of Homeland
6 Security shall promulgate data standards and in-
7 struct components of the Department of Homeland
8 Security to make available information through the
9 data framework required under this section in a ma-
10 chine-readable standard format, to the greatest extent
11 practicable.

12 (c) *EXCLUSION OF INFORMATION.*—The Secretary of
13 Homeland Security may exclude information from the data
14 framework if the Secretary determines inclusion of such in-
15 formation may—

16 (1) jeopardize the protection of sources, methods,
17 or activities;

18 (2) compromise a criminal or national security
19 investigation;

20 (3) be inconsistent with other Federal laws or
21 regulations; or

22 (4) be duplicative or not serve an operational
23 purpose if included in such framework.

24 (d) *SAFEGUARDS.*—The Secretary of Homeland Secu-
25 rity shall incorporate into the data framework required

1 *under this section systems capabilities for auditing and en-*
2 *surging the security of information included in such frame-*
3 *work. Such capabilities shall include the following:*

4 (1) *Mechanisms for identifying insider threats.*

5 (2) *Mechanisms for identifying security risks.*

6 (3) *Safeguards for privacy, civil rights, and civil*
7 *liberties.*

8 (e) *DEADLINE FOR IMPLEMENTATION.*—*Not later than*
9 *2 years after the date of the enactment of this Act, the Sec-*
10 *retary of Homeland Security shall ensure the data frame-*
11 *work required under this section has the ability to include*
12 *the information described in subsection (a).*

13 (f) *NOTICE TO CONGRESS.*—

14 (1) *STATUS UPDATES.*—*The Secretary of Home-*
15 *land Security shall submit to the appropriate con-*
16 *gressional committees regular updates on the status of*
17 *the data framework until such framework is fully*
18 *operational.*

19 (2) *OPERATIONAL NOTIFICATION.*—*Not later*
20 *than 60 days after the date on which the data frame-*
21 *work required under this section is fully operational,*
22 *the Secretary of Homeland Security shall provide no-*
23 *tice to the appropriate congressional committees that*
24 *the data framework is fully operational.*

1 (3) *VALUE ADDED.*—*The Secretary of Homeland*
2 *Security shall include in each assessment required*
3 *under section 210G(a) of the Homeland Security Act*
4 *of 2002, as added by this Act, if applicable, a descrip-*
5 *tion of the use of the data framework required under*
6 *this section to support operations that disrupt ter-*
7 *rorist activities and incidents in the homeland.*

8 (g) *DEFINITIONS.*—*In this section:*

9 (1) *APPROPRIATE CONGRESSIONAL COMMITTEE;*
10 *HOMELAND.*—*The terms “appropriate congressional*
11 *committee” and “homeland” have the meaning given*
12 *those terms in section 2 of the Homeland Security Act*
13 *of 2002 (6 U.S.C. 101).*

14 (2) *HOMELAND SECURITY INFORMATION.*—*The*
15 *term “homeland security information” has the mean-*
16 *ing given such term in section 892 of the Homeland*
17 *Security Act of 2002 (6 U.S.C. 482).*

18 (3) *INSIDER THREAT.*—*The term “insider*
19 *threat” has the meaning given such term in section*
20 *104 of the Homeland Security Act of 2002, as added*
21 *by section 1305.*

22 (4) *NATIONAL INTELLIGENCE.*—*The term “na-*
23 *tional intelligence” has the meaning given such term*
24 *in section 3(5) of the National Security Act of 1947*
25 *(50 U.S.C. 3003(5)).*

1 (5) *TERRORISM INFORMATION.*—*The term “ter-*
2 *rorism information” has the meaning given such term*
3 *in section 1016 of the Intelligence Reform and Ter-*
4 *rorism Prevention Act of 2004 (6 U.S.C. 485).*

5 **SEC. 1305. ESTABLISHMENT OF INSIDER THREAT PROGRAM.**

6 (a) *IN GENERAL.*—*Title I of the Homeland Security*
7 *Act of 2002 (6 U.S.C. 111 et seq.) is amended by adding*
8 *at the end the following:*

9 **“SEC. 104. INSIDER THREAT PROGRAM.**

10 “(a) *ESTABLISHMENT.*—*The Secretary shall establish*
11 *an Insider Threat Program within the Department, which*
12 *shall—*

13 “(1) *provide training and education for employ-*
14 *ees of the Department to identify, prevent, mitigate,*
15 *and respond to insider threat risks to the Depart-*
16 *ment’s critical assets;*

17 “(2) *provide investigative support regarding po-*
18 *tential insider threats that may pose a risk to the De-*
19 *partment’s critical assets; and*

20 “(3) *conduct risk mitigation activities for in-*
21 *sider threats.*

22 “(b) *STEERING COMMITTEE.*—

23 “(1) *IN GENERAL.*—

1 “(A) *ESTABLISHMENT.*—*The Secretary shall*
2 *establish a Steering Committee within the De-*
3 *partment.*

4 “(B) *MEMBERSHIP.*—*The membership of*
5 *the Steering Committee shall be as follows:*

6 “(i) *The Under Secretary for Manage-*
7 *ment and the Under Secretary for Intel-*
8 *ligence and Analysis shall serve as the Co-*
9 *Chairpersons of the Steering Committee.*

10 “(ii) *The Chief Security Officer, as the*
11 *designated Senior Insider Threat Official,*
12 *shall serve as the Vice Chairperson of the*
13 *Steering Committee.*

14 “(iii) *The other members of the Steer-*
15 *ing Committee shall be comprised of rep-*
16 *resentatives of—*

17 “(I) *the Office of Intelligence and*
18 *Analysis;*

19 “(II) *the Office of the Chief Infor-*
20 *mation Officer;*

21 “(III) *the Office of the General*
22 *Counsel;*

23 “(IV) *the Office for Civil Rights*
24 *and Civil Liberties;*

25 “(V) *the Privacy Office;*

1 “(VI) *the Office of the Chief*
2 *Human Capital Officer;*

3 “(VII) *the Office of the Chief Fi-*
4 *nancial Officer;*

5 “(VIII) *the Federal Protective*
6 *Service;*

7 “(IX) *the Office of the Chief Pro-*
8 *curement Officer;*

9 “(X) *the Science and Technology*
10 *Directorate; and*

11 “(XI) *other components or offices*
12 *of the Department as appropriate.*

13 “(C) *MEETINGS.—The members of the*
14 *Steering Committee shall meet on a regular basis*
15 *to discuss cases and issues related to insider*
16 *threats to the Department’s critical assets, in ac-*
17 *cordance with subsection (a).*

18 “(2) *RESPONSIBILITIES.—Not later than 1 year*
19 *after the date of the enactment of this section, the*
20 *Under Secretary for Management, the Under Sec-*
21 *retary for Intelligence and Analysis, and the Chief*
22 *Security Officer, in coordination with the Steering*
23 *Committee, shall—*

24 “(A) *develop a holistic strategy for Depart-*
25 *ment-wide efforts to identify, prevent, mitigate,*

1 *and respond to insider threats to the Depart-*
2 *ment’s critical assets;*

3 “(B) *develop a plan to implement the in-*
4 *sider threat measures identified in the strategy*
5 *developed under subparagraph (A) across the*
6 *components and offices of the Department;*

7 “(C) *document insider threat policies and*
8 *controls;*

9 “(D) *conduct a baseline risk assessment of*
10 *insider threats posed to the Department’s critical*
11 *assets;*

12 “(E) *examine programmatic and technology*
13 *best practices adopted by the Federal Govern-*
14 *ment, industry, and research institutions to im-*
15 *plement solutions that are validated and cost-ef-*
16 *fective;*

17 “(F) *develop a timeline for deploying work-*
18 *place monitoring technologies, employee aware-*
19 *ness campaigns, and education and training*
20 *programs related to identifying, preventing,*
21 *mitigating, and responding to potential insider*
22 *threats to the Department’s critical assets;*

23 “(G) *consult with the Under Secretary for*
24 *Science and Technology and other appropriate*
25 *stakeholders to ensure the Insider Threat Pro-*

1 *gram is informed, on an ongoing basis, by cur-*
2 *rent information regarding threats, best prac-*
3 *tices, and available technology; and*

4 *“(H) develop, collect, and report metrics on*
5 *the effectiveness of the Department’s insider*
6 *threat mitigation efforts.*

7 *“(c) PRESERVATION OF MERIT SYSTEM RIGHTS.—*

8 *“(1) IN GENERAL.—The Steering Committee*
9 *shall not seek to, and the authorities provided under*
10 *this section shall not be used to, deter, detect, or miti-*
11 *gate disclosures of information by Government em-*
12 *ployees or contractors that are lawful under and pro-*
13 *ected by section 17(d)(5) of the Central Intelligence*
14 *Agency Act of 1949 (50 U.S.C. 3517(d)(5)) (com-*
15 *monly known as the ‘Intelligence Community Whistle-*
16 *blower Protection Act of 1998’), chapter 12 or 23 of*
17 *title 5, United States Code, the Inspector General Act*
18 *of 1978 (5 U.S.C. App.), or any other whistleblower*
19 *statute, regulation, or policy.*

20 *“(2) IMPLEMENTATION.—*

21 *“(A) IN GENERAL.—Any activity carried*
22 *out under this section shall be subject to section*
23 *115 of the Whistleblower Protection Enhance-*
24 *ment Act of 2012 (5 U.S.C. 2302 note).*

1 “(B) *REQUIRED STATEMENT.*—Any activity
2 to implement or enforce any insider threat activ-
3 ity or authority under this section or Executive
4 Order 13587 (50 U.S.C. 3161 note) shall include
5 the statement required by section 115 of the
6 Whistleblower Protection Enhancement Act of
7 2012 (5 U.S.C. 2302 note) that preserves rights
8 under whistleblower laws and section 7211 of
9 title 5, United States Code, protecting commu-
10 nications with Congress.

11 “(d) *DEFINITIONS.*—In this section:

12 “(1) *CRITICAL ASSETS.*—The term ‘critical as-
13 sets’ means the resources, including personnel, facili-
14 ties, information, equipment, networks, or systems
15 necessary for the Department to fulfill its mission.

16 “(2) *EMPLOYEE.*—The term ‘employee’ has the
17 meaning given the term in section 2105 of title 5,
18 United States Code.

19 “(3) *INSIDER.*—The term ‘insider’ means—

20 “(A) any person who has or had authorized
21 access to Department facilities, information,
22 equipment, networks, or systems and is employed
23 by, detailed to, or assigned to the Department,
24 including members of the Armed Forces, experts
25 or consultants to the Department, industrial or

1 *commercial contractors, licensees, certificate*
2 *holders, or grantees of the Department, including*
3 *all subcontractors, personal services contractors,*
4 *or any other category of person who acts for or*
5 *on behalf of the Department, as determined by*
6 *the Secretary; or*

7 “(B) *State, local, tribal, territorial, and*
8 *private sector personnel who possess security*
9 *clearances granted by the Department.*”

10 “(4) *INSIDER THREAT.—The term ‘insider*
11 *threat’ means the threat that an insider will use his*
12 *or her authorized access, wittingly or unwittingly, to*
13 *do harm to the security of the United States, includ-*
14 *ing damage to the United States through espionage,*
15 *terrorism, the unauthorized disclosure of classified na-*
16 *tional security information, or through the loss or*
17 *degradation of departmental resources or capabilities.*”

18 “(5) *STEERING COMMITTEE.—The term ‘Steering*
19 *Committee’ means the Steering Committee established*
20 *under subsection (b)(1)(A).”.*

21 “(b) *REPORT.—*

22 “(1) *IN GENERAL.—Not later than 2 years after*
23 *the date of the enactment of this Act, and once every*
24 *2 years thereafter for the following 4-year period, the*
25 *Secretary of Homeland Security shall submit to the*

1 *Committee on Homeland Security and the Permanent*
2 *Select Committee on Intelligence of the House of Rep-*
3 *resentatives and the Committee on Homeland Secu-*
4 *rity and Governmental Affairs and the Select Com-*
5 *mittee on Intelligence of the Senate a report on—*

6 *(A) how the Department of Homeland Secu-*
7 *rity, including the components and offices of the*
8 *Department of Homeland Security, have imple-*
9 *mented the strategy developed under section*
10 *104(b)(2)(A) of the Homeland Security Act of*
11 *2002, as added by this Act;*

12 *(B) the status of the risk assessment of crit-*
13 *ical assets being conducted by the Department of*
14 *Homeland Security;*

15 *(C) the types of insider threat training con-*
16 *ducted;*

17 *(D) the number of employees of the Depart-*
18 *ment of Homeland Security who have received*
19 *insider threat training; and*

20 *(E) information on the effectiveness of the*
21 *Insider Threat Program (established under sec-*
22 *tion 104(a) of the Homeland Security Act of*
23 *2002, as added by this Act), based on metrics de-*
24 *veloped, collected, and reported pursuant to sub-*
25 *section (b)(2)(H) of such section 104.*

1 (2) *DEFINITIONS.*—*In this subsection, the terms*
2 *“critical assets”, “insider”, and “insider threat” have*
3 *the meanings given the terms in section 104 of the*
4 *Homeland Security Act of 2002 (as added by this*
5 *Act).*

6 (c) *CLERICAL AMENDMENT.*—*The table of contents in*
7 *section 1(b) of the Homeland Security Act of 2002 (Public*
8 *Law 107–296; 116 Stat. 2135) is amended by inserting*
9 *after the item relating to section 103 the following:*

 “*Sec. 104. Insider Threat Program.*”.

10 **SEC. 1306. REPORT ON APPLICATIONS AND THREATS OF**
11 **BLOCKCHAIN TECHNOLOGY.**

12 (a) *DEFINITIONS.*—*In this section:*

13 (1) *APPROPRIATE COMMITTEES OF CONGRESS.*—
14 *In this section, the term “appropriate committees of*
15 *Congress” means—*

16 (A) *the Committee on Armed Services, the*
17 *Select Committee on Intelligence, the Committee*
18 *on Banking, Housing, and Urban Affairs, and*
19 *the Committee on Homeland Security and Gov-*
20 *ernmental Affairs of the Senate; and*

21 (B) *the Committee on Armed Services, the*
22 *Permanent Select Committee on Intelligence, the*
23 *Committee on Financial Services, and the Com-*
24 *mittee on Homeland Security of the House of*
25 *Representatives.*

1 (2) *FOREIGN TERRORIST ORGANIZATION.*—*The*
2 *term “foreign terrorist organization” means an orga-*
3 *nization designated as a foreign terrorist organization*
4 *under section 219 of the Immigration and Nation-*
5 *ality Act (8 U.S.C. 1189).*

6 (3) *SECRETARY.*—*The term “Secretary” means*
7 *the Secretary of Homeland Security.*

8 (4) *STATE SPONSOR OF TERRORISM.*—*The term*
9 *“state sponsor of terrorism” means a country the gov-*
10 *ernment of which the Secretary of State has deter-*
11 *mined to be a government that has repeatedly pro-*
12 *vided support for acts of international terrorism for*
13 *purposes of—*

14 (A) *section 6(j)(1)(A) of the Export Admin-*
15 *istration Act of 1979 (50 U.S.C. 4605(j)(1)(A))*
16 *(as continued in effect pursuant to the Inter-*
17 *national Emergency Economic Powers Act (50*
18 *U.S.C. 1701 et seq.));*

19 (B) *section 620A(a) of the Foreign Assist-*
20 *ance Act of 1961 (22 U.S.C. 2371(a));*

21 (C) *section 40(d) of the Arms Export Con-*
22 *trol Act (22 U.S.C. 2780(d)); or*

23 (D) *any other provision of law.*

24 (b) *REPORT REQUIRED.*—*Not later than 180 days*
25 *after the date of enactment of this Act, the Secretary, in*

1 *consultation with the Secretary of the Treasury, the Attor-*
2 *ney General, the Director of National Intelligence, and the*
3 *heads of such other departments and agencies of the Federal*
4 *Government as the Secretary considers appropriate, shall*
5 *provide to the appropriate committees of Congress a report*
6 *on the applications and threats of blockchain technology.*

7 (c) *ELEMENTS.—The report required under subsection*
8 *(b) shall include—*

9 (1) *an assessment of potential offensive and de-*
10 *fensive cyber applications of blockchain technology*
11 *and other distributed ledger technologies;*

12 (2) *an assessment of the actual and potential*
13 *threat posed by individuals and state sponsors of ter-*
14 *rorism using distributed ledger-enabled currency and*
15 *other emerging financial technological capabilities to*
16 *carry out activities in furtherance of an act of ter-*
17 *rorism, including the provision of material support or*
18 *resources to a foreign terrorist organization;*

19 (3) *an assessment of the use or planned use of*
20 *such technologies by the Federal Government and crit-*
21 *ical infrastructure networks; and*

22 (4) *a threat assessment of efforts by foreign pow-*
23 *ers, foreign terrorist organizations, and criminal net-*
24 *works to utilize such technologies and related threats*
25 *to the homeland, including an assessment of the*

1 *vulnerabilities of critical infrastructure networks to*
2 *related cyberattacks.*

3 (d) *FORM OF REPORT.*—*The report required under*
4 *subsection (b) shall be provided in unclassified form, but*
5 *may include a classified supplement.*

6 (e) *DISTRIBUTION.*—*Consistent with the protection of*
7 *classified and confidential unclassified information, the*
8 *Under Secretary for Intelligence and Analysis shall share*
9 *the threat assessment developed under this section with*
10 *State, local, and tribal law enforcement officials, including*
11 *officials that operate within fusion centers in the National*
12 *Network of Fusion Centers.*

13 **SEC. 1307. TRANSNATIONAL CRIMINAL ORGANIZATIONS**
14 **THREAT ASSESSMENT.**

15 (a) *IN GENERAL.*—*Not later than 90 days after the*
16 *date of the enactment of this Act, the Under Secretary for*
17 *Intelligence and Analysis shall, in coordination with appro-*
18 *priate Federal partners, develop and disseminate a threat*
19 *assessment on whether transnational criminal organiza-*
20 *tions are exploiting United States border security*
21 *vulnerabilities in border security screening programs to*
22 *gain access to the United States and threaten the United*
23 *States or border security.*

24 (b) *RECOMMENDATIONS.*—*Upon completion of the*
25 *threat assessment required under subsection (a), the Sec-*

1 *retary of Homeland Security shall make a determination*
2 *if any changes are required to address security*
3 *vulnerabilities identified in such assessment.*

4 *(c) DISTRIBUTION.—Consistent with the protection of*
5 *classified and confidential unclassified information, the*
6 *Under Secretary for Intelligence and Analysis shall share*
7 *the threat assessment developed under this section with*
8 *State, local, and tribal law enforcement officials, including*
9 *officials that operate within fusion centers in the National*
10 *Network of Fusion Centers.*

11 **SEC. 1308. DEPARTMENT OF HOMELAND SECURITY**
12 **COUNTER THREATS ADVISORY BOARD.**

13 *(a) IN GENERAL.—Subtitle A of title II of the Home-*
14 *land Security Act of 2002 (6 U.S.C. 121 et seq.), as amend-*
15 *ed by this Act, is amended by adding at the end the fol-*
16 *lowing:*

17 **“SEC. 210I. DEPARTMENTAL COORDINATION ON COUNTER**
18 **THREATS.**

19 *“(a) ESTABLISHMENT.—There is authorized in the De-*
20 *partment, for a period of 2 years beginning after the date*
21 *of enactment of this section, a Counter Threats Advisory*
22 *Board (in this section referred to as the ‘Board’) which*
23 *shall—*

1 “(1) be composed of senior representatives of de-
2 partmental operational components and headquarters
3 elements; and

4 “(2) coordinate departmental intelligence activi-
5 ties and policy and information related to the mis-
6 sion and functions of the Department that counter
7 threats.

8 “(b) *CHARTER.*—There shall be a charter to govern the
9 structure and mission of the Board, which shall—

10 “(1) direct the Board to focus on the current
11 threat environment and the importance of aligning
12 departmental activities to counter threats under the
13 guidance of the Secretary; and

14 “(2) be reviewed and updated as appropriate.

15 “(c) *MEMBERS.*—

16 “(1) *IN GENERAL.*—The Board shall be composed
17 of senior representatives of departmental operational
18 components and headquarters elements.

19 “(2) *CHAIR.*—The Under Secretary for Intel-
20 ligence and Analysis shall serve as the Chair of the
21 Board.

22 “(3) *MEMBERS.*—The Secretary shall appoint
23 additional members of the Board from among the fol-
24 lowing:

1 “(A) *The Transportation Security Adminis-*
2 *tration.*

3 “(B) *U.S. Customs and Border Protection.*

4 “(C) *U.S. Immigration and Customs En-*
5 *forcement.*

6 “(D) *The Federal Emergency Management*
7 *Agency.*

8 “(E) *The Coast Guard.*

9 “(F) *U. S. Citizenship and Immigration*
10 *Services.*

11 “(G) *The United States Secret Service.*

12 “(H) *The Cybersecurity and Infrastructure*
13 *Security Agency.*

14 “(I) *The Office of Operations Coordination.*

15 “(J) *The Office of the General Counsel.*

16 “(K) *The Office of Intelligence and Anal-*
17 *ysis.*

18 “(L) *The Office of Strategy, Policy, and*
19 *Plans.*

20 “(M) *The Science and Technology Direc-*
21 *torate.*

22 “(N) *The Office for State and Local Law*
23 *Enforcement.*

24 “(O) *The Privacy Office.*

1 “(P) *The Office for Civil Rights and Civil*
2 *Liberties.*

3 “(Q) *Other departmental offices and pro-*
4 *grams as determined appropriate by the Sec-*
5 *retary.*

6 “(d) *MEETINGS.—The Board shall—*

7 “(1) *meet on a regular basis to discuss intel-*
8 *ligence and coordinate ongoing threat mitigation ef-*
9 *forts and departmental activities, including coordina-*
10 *tion with other Federal, State, local, tribal, terri-*
11 *torial, and private sector partners; and*

12 “(2) *make recommendations to the Secretary.*

13 “(e) *TERRORISM ALERTS.—The Board shall advise the*
14 *Secretary on the issuance of terrorism alerts under section*
15 *203.*

16 “(f) *PROHIBITION ON ADDITIONAL FUNDS.—No addi-*
17 *tional funds are authorized to carry out this section.”.*

18 “(b) *TECHNICAL AND CONFORMING AMENDMENT.—The*
19 *table of contents in section 1(b) of the Homeland Security*
20 *Act of 2002 (Public Law 107–296; 116 Stat. 2135), as*
21 *amended by section 1303, is amended by inserting after the*
22 *item relating to section 210H the following:*

 “*Sec. 210I. Departmental coordination to counter threats.*”.

23 “(c) *REPORT.—Not later than 90 days after the date*
24 *of enactment of this Act, the Secretary of Homeland Secu-*
25 *rity, acting through the Chair of the Counter Threats Advi-*

1 *sory Board established under section 210I of the Homeland*
2 *Security Act of 2002, as added by subsection (a), shall sub-*
3 *mit to the Committee on Homeland Security and Govern-*
4 *mental Affairs of the Senate and the Committee on Home-*
5 *land Security of the House of Representatives a report on*
6 *the status and activities of the Counter Threats Advisory*
7 *Board.*

8 *(d) NOTICE.—The Department of Homeland Security*
9 *shall provide written notification to and brief the Com-*
10 *mittee on Homeland Security and Governmental Affairs of*
11 *the Senate and the Committee on Homeland Security of the*
12 *House of Representatives on any changes to or introduc-*
13 *tions of new mechanisms to coordinate threats across the*
14 *Department.*

15 **SEC. 1309. BRIEFING ON PHARMACEUTICAL-BASED AGENT**
16 **THREATS.**

17 *(a) BRIEFING REQUIRED.—Not later than 120 days*
18 *after the date of enactment of this Act, the Assistant Sec-*
19 *retary for the Countering Weapons of Mass Destruction Of-*
20 *fice, in consultation with other departments and agencies*
21 *of the Federal Government as the Assistant Secretary con-*
22 *siders appropriate, shall brief the appropriate congressional*
23 *committees on threats related to pharmaceutical-based*
24 *agents. The briefing shall incorporate, and the Assistant*
25 *Secretary shall update as necessary, any related Terrorism*

1 *Risk Assessments or Material Threat Assessments related to*
2 *the threat.*

3 (b) *ELEMENTS.*—*The briefing under subsection (a)*
4 *shall include—*

5 (1) *an assessment of threats from individuals or*
6 *organizations using pharmaceutical-based agents to*
7 *carry out activities in furtherance of any act of ter-*
8 *rorism;*

9 (2) *an assessment of materiel and non-materiel*
10 *capabilities within the Federal Government to deter*
11 *and manage the consequences of such an attack; and*

12 (3) *a strategy to address any identified capa-*
13 *bility gaps to deter and manage the consequences of*
14 *any act of terrorism using pharmaceutical-based*
15 *agents.*

16 (c) *FORM OF BRIEFING.*—*The briefing under sub-*
17 *section (a) may be provided in classified form.*

18 (d) *DEFINITIONS.*—*In this section:*

19 (1) *APPROPRIATE CONGRESSIONAL COM-*
20 *MITTEE.*—*The term “appropriate congressional com-*
21 *mittee” has the meaning given that term under sec-*
22 *tion 2 of the Homeland Security Act of 2002 (6*
23 *U.S.C. 101).*

24 (2) *PHARMACEUTICAL-BASED AGENT.*—*The term*
25 *“pharmaceutical-based agent” means a chemical, in-*

1 *cluding fentanyl, carfentanil, and related analogues,*
2 *which affects the central nervous system and has the*
3 *potential to be used as a chemical weapon.*

4 ***Subtitle B—Stakeholder***
5 ***Information Sharing***

6 ***SEC. 1311. DEPARTMENT OF HOMELAND SECURITY FUSION***

7 ***CENTER PARTNERSHIP INITIATIVE.***

8 *(a) IN GENERAL.—Section 210A of the Homeland Se-*
9 *curity Act of 2002 (6 U.S.C. 124h) is amended—*

10 *(1) by amending the section heading to read as*
11 *follows:*

12 ***“SEC. 210A. DEPARTMENT OF HOMELAND SECURITY FU-***
13 ***SION CENTER PARTNERSHIP INITIATIVE.”;***

14 *(2) in subsection (a), by adding at the end the*
15 *following: “Beginning on the date of enactment of the*
16 *Department of Homeland Security Authorization Act,*
17 *such Initiative shall be known as the ‘Department of*
18 *Homeland Security Fusion Center Partnership Ini-*
19 *tiative.’”;*

20 *(3) by amending subsection (b) to read as fol-*
21 *lows:*

22 ***“(b) INTERAGENCY SUPPORT AND COORDINATION.—***
23 ***Through the Department of Homeland Security Fusion***
24 ***Center Partnership Initiative, in coordination with prin-***
25 ***cipal officials of fusion centers in the National Network of***

1 *Fusion Centers and the officers designated as the Homeland*
2 *Security Advisors of the States, the Secretary shall—*

3 “(1) *coordinate with the heads of other Federal*
4 *departments and agencies to provide operational,*
5 *analytic, and reporting intelligence advice and assist-*
6 *ance to the National Network of Fusion Centers and*
7 *to align homeland security intelligence activities with*
8 *other field based intelligence activities;*

9 “(2) *support the integration of fusion centers*
10 *into the information sharing environment, including*
11 *by—*

12 “(A) *providing for the effective dissemina-*
13 *tion of information within the scope of the infor-*
14 *mation sharing environment to the National Net-*
15 *work of Fusion Centers;*

16 “(B) *conducting outreach to such fusion*
17 *centers to identify any gaps in information shar-*
18 *ing;*

19 “(C) *consulting with other Federal agencies*
20 *to develop methods to—*

21 “(i) *address any such gaps identified*
22 *under subparagraph (B), as appropriate;*
23 *and*

24 “(ii) *deploy or access such databases*
25 *and datasets, as appropriate; and*

1 “(D) review information that is gathered by
2 the National Network of Fusion Centers to iden-
3 tify that which is within the scope of the infor-
4 mation sharing environment, including home-
5 land security information (as defined in section
6 892), terrorism information, and weapons of
7 mass destruction information and incorporate
8 such information, as appropriate, into the De-
9 partment’s own such information;

10 “(3) facilitate close communication and coordi-
11 nation between the National Network of Fusion Cen-
12 ters and the Department and other Federal depart-
13 ments and agencies;

14 “(4) facilitate information sharing and expertise
15 from the national cybersecurity and communications
16 integration center under section 2209 to the National
17 Network of Fusion Centers;

18 “(5) coordinate the provision of training and
19 technical assistance, including training on the use of
20 Federal databases and datasets described in para-
21 graph (2), to the National Network of Fusion Centers
22 and encourage participating fusion centers to take
23 part in terrorism threat-related exercises conducted by
24 the Department;

1 “(6) ensure the dissemination of cyber threat in-
2 dicators and information about cybersecurity risks
3 and incidents to the national Network of Fusion Cen-
4 ters;

5 “(7) ensure that each fusion center in the Na-
6 tional Network of Fusion Centers has a privacy pol-
7 icy approved by the Chief Privacy Officer of the De-
8 partment and a civil rights and civil liberties policy
9 approved by the Officer for Civil Rights and Civil
10 Liberties of the Department;

11 “(8) develop and disseminate best practices on
12 the appropriate levels for staffing at fusion centers in
13 the National Network of Fusion Centers of qualified
14 representatives from State, local, tribal, and terri-
15 torial law enforcement, fire, emergency medical, and
16 emergency management services, and public health
17 disciplines, as well as the private sector;

18 “(9) to the maximum extent practicable, provide
19 guidance, training, and technical assistance to ensure
20 fusion centers operate in accordance with and in a
21 manner that protects privacy, civil rights, and civil
22 liberties afforded by the Constitution of the United
23 States;

24 “(10) to the maximum extent practicable, pro-
25 vide guidance, training, and technical assistance to

1 *ensure fusion centers are appropriately aligned with*
2 *and able to meaningfully support Federal homeland*
3 *security, national security, and law enforcement ef-*
4 *forts, including counterterrorism;*

5 *“(11) encourage the full participation of the Na-*
6 *tional Network of Fusion Centers in all assessment*
7 *and evaluation efforts conducted by the Department;*

8 *“(12) track all Federal funding provided to each*
9 *fusion center on an individualized basis as well as by*
10 *funding source;*

11 *“(13) ensure that none of the departmental infor-*
12 *mation or data provided or otherwise made available*
13 *to fusion center personnel is improperly disseminated,*
14 *accessed for unauthorized purposes, or otherwise used*
15 *in a manner inconsistent with Department guidance;*
16 *and*

17 *“(14) carry out such other duties as the Sec-*
18 *retary determines appropriate.”;*

19 *(4) in subsection (c)—*

20 *(A) in the heading, by striking “PER-*
21 *SONNEL ASSIGNMENT” and inserting “RE-*
22 *SOURCE ALLOCATION”;*

23 *(B) by striking paragraphs (1) and (2) and*
24 *inserting the following:*

1 “(1) *INFORMATION SHARING AND PERSONNEL AS-*
2 *SIGNMENT.—*

3 “(A) *INFORMATION SHARING.—The Under*
4 *Secretary for Intelligence and Analysis shall en-*
5 *sure that, as appropriate—*

6 “(i) *fusion centers in the National Net-*
7 *work of Fusion Centers have access to home-*
8 *land security information sharing systems;*
9 *and*

10 “(ii) *Department personnel are de-*
11 *ployed to support fusion centers in the Na-*
12 *tional Network of Fusion Centers in a man-*
13 *ner consistent with the mission of the De-*
14 *partment.*

15 “(B) *PERSONNEL ASSIGNMENT.—Depart-*
16 *ment personnel referred to in subparagraph*
17 *(A)(ii) may include the following:*

18 “(i) *Intelligence officers.*

19 “(ii) *Intelligence analysts.*

20 “(iii) *Other liaisons from components*
21 *and offices of the Department, as appro-*
22 *priate.*

23 “(C) *MEMORANDA OF UNDERSTANDING.—*
24 *The Under Secretary for Intelligence and Anal-*
25 *ysis shall negotiate memoranda of understanding*

1 *between the Department and a State or local*
2 *government, in coordination with the appro-*
3 *priate representatives from fusion centers in the*
4 *National Network of Fusion Centers, regarding*
5 *the exchange of information between the Depart-*
6 *ment and such fusion centers. Such memoranda*
7 *shall include the following:*

8 “(i) *The categories of information to be*
9 *provided by each entity to the other entity*
10 *that are parties to any such memoranda.*

11 “(ii) *The contemplated uses of the ex-*
12 *changed information that is the subject of*
13 *any such memoranda.*

14 “(iii) *The procedures for developing*
15 *joint products.*

16 “(iv) *The information sharing dispute*
17 *resolution processes.*

18 “(v) *Any protections necessary to en-*
19 *sure the exchange of information accords*
20 *with applicable law and policies.*

21 “(2) *SOURCES OF SUPPORT.—Information*
22 *shared and personnel assigned pursuant to paragraph*
23 *(1) may be shared or provided, as the case may be,*
24 *by the following Department components and offices,*
25 *in coordination with the respective component or of-*

1 *office head and in consultation with the principal offi-*
2 *cial of fusion centers in the National Network of Fu-*
3 *sion Centers:*

4 “(A) *The Office of Intelligence and Anal-*
5 *ysis.*”

6 “(B) *Cybersecurity and Infrastructure Se-*
7 *curity Agency.*”

8 “(C) *The Transportation Security Adminis-*
9 *tration.*”

10 “(D) *U.S. Customs and Border Protection.*”

11 “(E) *U.S. Immigration and Customs En-*
12 *forcement.*”

13 “(F) *The Coast Guard.*”

14 “(G) *The national cybersecurity and com-*
15 *munications integration center under section*
16 *2209.*”

17 “(H) *Other components or offices of the De-*
18 *partment, as determined by the Secretary.*”;

19 (C) *in paragraph (3)—*

20 (i) *in the heading, by striking “QUALI-*
21 *FYING CRITERIA” and inserting “RESOURCE*
22 *ALLOCATION CRITERIA”; and*

23 (ii) *by striking subparagraph (A) and*
24 *inserting the following:*

1 “(A) *IN GENERAL.*—*The Secretary shall*
2 *make available criteria for sharing information*
3 *and deploying personnel to support a fusion cen-*
4 *ter in the National Network of Fusion Centers in*
5 *a manner consistent with the Department’s mis-*
6 *sion and existing statutory limits.”; and*

7 (D) *in paragraph (4)(B), in the matter pre-*
8 *ceding clause (i), by inserting “in which such fu-*
9 *sion center is located” after “region”;*

10 (5) *in subsection (d)—*

11 (A) *in paragraph (3), by striking “and” at*
12 *the end;*

13 (B) *by redesignating paragraph (4) as*
14 *paragraph (5);*

15 (C) *by inserting after paragraph (3) the fol-*
16 *lowing:*

17 “(4) *assist, in coordination with the national cy-*
18 *bersecurity and communications integration center*
19 *under section 2209, fusion centers in using informa-*
20 *tion relating to cybersecurity risks to develop a com-*
21 *prehensive and accurate threat picture;”;*

22 (D) *in paragraph (5), as so redesignated—*

23 (i) *by striking “government” and in-*
24 *serting “governments”; and*

1 (ii) by striking the period at the end
2 and inserting “; and”; and

3 (E) by adding at the end the following:

4 “(6) use Department information, including in-
5 formation held by components and offices, to develop
6 analysis focused on the mission of the Department
7 under section 101(b).”;

8 (6) in subsection (e)—

9 (A) by amending paragraph (1) to read as
10 follows:

11 “(1) *IN GENERAL.*—To the greatest extent prac-
12 ticable, the Secretary shall make it a priority to allo-
13 cate resources, including departmental component
14 personnel with relevant expertise, to support the ef-
15 forts of fusion centers along land or maritime borders
16 of the United States to facilitate law enforcement
17 agency identification, investigation, and interdiction
18 of persons, weapons, and related contraband that pose
19 a threat to homeland security.”; and

20 (B) in paragraph (2), in the matter pre-
21 ceding subparagraph (A), by striking “partici-
22 pating State, local, and regional fusion centers”
23 and inserting “fusion centers in the National
24 Network of Fusion Centers”;

25 (7) in subsection (j)—

1 (A) by redesignating paragraph (5) as
2 paragraph (7);

3 (B) by redesignating paragraphs (1)
4 through (4) as paragraphs (2) through (5), re-
5 spectively;

6 (C) by inserting before paragraph (2) the
7 following:

8 “(1) the term ‘cybersecurity risk’ has the mean-
9 ing given such term in section 2209;”.

10 (D) in paragraph (5), as so redesignated, by
11 striking “and” at the end; and

12 (E) by inserting after such paragraph (5)
13 the following new paragraph:

14 “(6) the term ‘National Network of Fusion Cen-
15 ters’ means a decentralized arrangement of fusion
16 centers intended to enhance individual State and
17 urban area fusion centers’ ability to leverage the ca-
18 pabilities and expertise of all fusion centers for the
19 purpose of enhancing analysis and homeland security
20 information sharing nationally; and”;

21 (8) by striking subsection (k).

22 (b) REPORT.—Not later than 1 year after the date of
23 the enactment of this Act and annually thereafter through
24 2024, the Under Secretary for Intelligence and Analysis of
25 the Department of Homeland Security shall report to the

1 *Committee on Homeland Security and the Permanent Se-*
2 *lect Committee on Intelligence of the House of Representa-*
3 *tives and the Committee on Homeland Security and Gov-*
4 *ernmental Affairs and the Select Committee on Intelligence*
5 *of the Senate on the value of fusion center intelligence prod-*
6 *ucts and the expenditure of authorized funds for the support*
7 *and coordination of the National Network of Fusion Centers*
8 *as specified in section 210A of the Homeland Security Act*
9 *of 2002 (6 U.S.C. 124h), as amended by subsection (a).*

10 *(c) REPORT ON FEDERAL DATABASES.—Not later than*
11 *180 days after the date of enactment of this Act, the Comp-*
12 *troller General of the United States shall submit a report*
13 *to Congress on the Federal databases and datasets that ad-*
14 *dress any gaps identified pursuant to section 210A(b)(2)(B)*
15 *of the Homeland Security Act of 2002, as amended by sub-*
16 *section (a), including databases and datasets used, oper-*
17 *ated, or managed by Department components, the Depart-*
18 *ment of Justice, including the Federal Bureau of Investiga-*
19 *tion and the Drug Enforcement Administration, and the*
20 *Department of the Treasury, that are appropriate, in ac-*
21 *cordance with Federal laws and policies, for inclusion in*
22 *the information sharing environment.*

23 *(d) TECHNICAL AND CONFORMING AMENDMENTS.—*

1 (1) *Section 2103(c)(1) of the Homeland Security*
2 *Act of 2002 (6 U.S.C. 623(c)(1)) is amended by strik-*
3 *ing “210A(j)(1)” and inserting “210A(j)”.*

4 (2) *The table of contents in section 1(b) of the*
5 *Homeland Security Act of 2002 (Public Law 107–*
6 *296; 116 Stat. 2135) is amended by striking the item*
7 *relating to section 210A and inserting the following:*

“Sec. 210A. Department of Homeland Security Fusion Center Partnership Initiative.”.

8 (e) *REFERENCE.—Any reference in any law, rule, or*
9 *regulation to the Department of Homeland Security State,*
10 *Local, and Regional Fusion Center Initiative shall be*
11 *deemed to be a reference to the Department of Homeland*
12 *Security Fusion Center Partnership Initiative.*

13 **SEC. 1312. FUSION CENTER PERSONNEL NEEDS ASSESS-**
14 **MENT.**

15 (a) *ASSESSMENT.—*

16 (1) *IN GENERAL.—Not later than 240 days after*
17 *the date of the enactment of this Act, the Comptroller*
18 *General of the United States shall conduct an assess-*
19 *ment of Department of Homeland Security personnel*
20 *assigned to fusion centers pursuant to section 210A(c)*
21 *of the Homeland Security Act of 2002 (6 U.S.C.*
22 *124h(c)), as amended by this Act, including an as-*
23 *essment of whether deploying additional Department*
24 *personnel to such fusion centers would enhance the*

1 *Department's mission under section 101(b) of such*
2 *Act (6 U.S.C. 111(b)) and the National Network of*
3 *Fusion Centers.*

4 (2) *CONTENTS.—The assessment required under*
5 *this subsection shall include the following:*

6 (A) *Information on the current deployment*
7 *of the Department's personnel to each fusion cen-*
8 *ter.*

9 (B) *Information on the roles and respon-*
10 *sibilities of the Department's Office of Intel-*
11 *ligence and Analysis intelligence officers, intel-*
12 *ligence analysts, senior reports officers, reports*
13 *officers, and regional directors deployed to fusion*
14 *centers.*

15 (C) *Information on Federal resources, in*
16 *addition to personnel, provided to each fusion*
17 *center.*

18 (D) *An assessment of fusion centers located*
19 *in jurisdictions along land and maritime borders*
20 *of the United States, and the degree to which de-*
21 *ploying personnel, as appropriate, from U.S.*
22 *Customs and Border Protection, U.S. Immigra-*
23 *tion and Customs Enforcement, and the Coast*
24 *Guard to such fusion centers would enhance the*
25 *integrity and security at such borders by helping*

1 *Federal, State, local, tribal, and territorial law*
2 *enforcement authorities to identify, investigate,*
3 *and interdict persons, weapons, and related con-*
4 *traband that pose a threat to homeland security.*

5 **(b) DEFINITIONS.**—*In this section, the terms “fusion*
6 *center” and “National Network of Fusion Centers” have the*
7 *meanings given those terms in section 210A(j) of the Home-*
8 *land Security Act of 2002 (6 U.S.C. 124h(j)), as amended*
9 *by this Act.*

10 **SEC. 1313. STRATEGY FOR FUSION CENTERS SUPPORTING**
11 **COUNTERNARCOTICS INITIATIVES THROUGH**
12 **INTELLIGENCE INFORMATION SHARING AND**
13 **ANALYSIS.**

14 *Not later than 180 days after the date of enactment*
15 *of this Act, the Under Secretary for Intelligence and Anal-*
16 *ysis shall submit to Congress a strategy for how the Na-*
17 *tional Network of Fusion Centers (as defined in section*
18 *210A(j) of the Homeland Security Act of 2002 (6 U.S.C.*
19 *124h(j)), as amended by this Act) will support law enforce-*
20 *ment counternarcotics activities and investigations through*
21 *intelligence information sharing and analysis, including*
22 *providing guidelines and best practices to fusion center*
23 *leadership and personnel.*

1 **SEC. 1314. PROGRAM FOR STATE AND LOCAL ANALYST**
2 **CLEARANCES.**

3 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*
4 *that any program established by the Under Secretary for*
5 *Intelligence and Analysis of the Department of Homeland*
6 *Security to provide eligibility for access to information*
7 *classified as Top Secret for State, local, tribal, and terri-*
8 *torial analysts located in fusion centers shall be consistent*
9 *with the need to know requirements pursuant to Executive*
10 *Order No. 13526 (50 U.S.C. 3161 note).*

11 (b) *REPORT.*—*Not later than 2 years after the date*
12 *of the enactment of this Act, the Under Secretary for Intel-*
13 *ligence and Analysis of the Department of Homeland Secu-*
14 *rity, in consultation with the Director of National Intel-*
15 *ligence, shall submit to the Committee on Homeland Secu-*
16 *rity and the Permanent Select Committee on Intelligence*
17 *of the House of Representatives and the Committee on*
18 *Homeland Security and Governmental Affairs and the Se-*
19 *lect Committee on Intelligence of the Senate a report on*
20 *the following:*

21 (1) *The process by which the Under Secretary for*
22 *Intelligence and Analysis determines a need to know*
23 *pursuant to Executive Order No. 13526 (50 U.S.C.*
24 *3161 note) to sponsor Top Secret clearances for ap-*
25 *propriate State, local, tribal, and territorial analysts*
26 *located in fusion centers.*

1 (2) *The effects of such Top Secret clearances on*
2 *enhancing information sharing with State, local, trib-*
3 *al, and territorial partners.*

4 (3) *The cost for providing such Top Secret clear-*
5 *ances for State, local, tribal, and territorial analysts*
6 *located in fusion centers, including training and*
7 *background investigations.*

8 (4) *The operational security protocols, training,*
9 *management, and risks associated with providing*
10 *such Top Secret clearances for State, local, tribal, and*
11 *territorial analysts located in fusion centers.*

12 (c) *DEFINITION.—In this section, the term “fusion cen-*
13 *ter” has the meaning given the term in section 210A(j) of*
14 *the Homeland Security Act of 2002 (6 U.S.C. 124h(j)), as*
15 *amended by this Act.*

16 **SEC. 1315. INFORMATION TECHNOLOGY ASSESSMENT.**

17 (a) *IN GENERAL.—The Under Secretary for Intel-*
18 *ligence and Analysis of the Department of Homeland Secu-*
19 *rity, in collaboration with the Chief Information Officer of*
20 *the Department of Homeland Security and representatives*
21 *from the National Network of Fusion Centers, shall conduct*
22 *an assessment of information systems used to share home-*
23 *land security information between the Department of*
24 *Homeland Security and fusion centers in the National Net-*

1 *work of Fusion Centers and make upgrades to such systems,*
2 *as appropriate. Such assessment shall include the following:*

3 (1) *An evaluation of the security, accessibility,*
4 *and ease of use of such systems by fusion centers in*
5 *the National Network of Fusion Centers.*

6 (2) *A review to determine how to establish im-*
7 *proved interoperability of departmental information*
8 *systems with existing information systems used by fu-*
9 *sion centers in the National Network of Fusion Cen-*
10 *ters.*

11 (3) *An evaluation of participation levels of de-*
12 *partmental components and offices of information*
13 *systems used to share homeland security information*
14 *with fusion centers in the National Network of Fusion*
15 *Centers.*

16 *(b) DEFINITIONS.—In this section—*

17 (1) *the terms “fusion center” and “National Net-*
18 *work of Fusion Centers” have the meanings given*
19 *those terms in section 210A(j) of the Homeland Secu-*
20 *rity Act of 2002 (6 U.S.C. 124h(j)), as amended by*
21 *this Act;*

22 (2) *the term “homeland security information”*
23 *has the meaning given the term in section 892 of the*
24 *Homeland Security Act of 2002 (6 U.S.C. 482); and*

1 (3) the term “information systems” has the
2 meaning given the term in section 3502 of title 44,
3 United States Code.

4 **SEC. 1316. DEPARTMENT OF HOMELAND SECURITY CLASSI-**
5 **FIED FACILITY INVENTORY.**

6 (a) *IN GENERAL.*—The Secretary of Homeland Secu-
7 rity shall, to the extent practicable—

8 (1) maintain an inventory of those Department
9 of Homeland Security facilities that the Department
10 certifies to house classified infrastructure or systems
11 at the Secret level and above;

12 (2) update such inventory on a regular basis;
13 and

14 (3) share part or all of such inventory with per-
15 sonnel as determined appropriate by the Secretary of
16 Homeland Security.

17 (b) *INVENTORY.*—The inventory of facilities described
18 in subsection (a) may include—

19 (1) the location of such facilities;

20 (2) the attributes and capabilities of such facili-
21 ties (including the clearance level of the facility, the
22 square footage of, the total capacity of, the number of
23 workstations in, document storage, and the number of
24 conference rooms in, such facilities);

25 (3) the entities that operate such facilities; and

1 (4) *the date of establishment of such facilities.*

2 **SEC. 1317. TERROR INMATE INFORMATION SHARING.**

3 (a) *IN GENERAL.*—*The Secretary of Homeland Secu-*
4 *rity, in coordination with the Attorney General and in con-*
5 *sultation with other appropriate Federal officials, shall, as*
6 *appropriate, share with the National Network of Fusion*
7 *Centers through the Department of Homeland Security Fu-*
8 *sion Center Partnership Initiative under section 210A of*
9 *the Homeland Security Act of 2002 (6 U.S.C. 124h), as*
10 *amended by this Act, as well as other relevant law enforce-*
11 *ment entities, release information from a Federal correc-*
12 *tional facility, including the name, charging date, and ex-*
13 *pected place and date of release, of certain individuals who*
14 *may pose a terrorist threat.*

15 (b) *SCOPE.*—*The information shared under subsection*
16 *(a) shall be—*

17 (1) *for homeland security purposes; and*

18 (2) *regarding individuals convicted of a Federal*
19 *crime of terrorism (as defined in section 2332b of title*
20 *18, United States Code).*

21 (c) *PERIODIC THREAT ASSESSMENTS.*—*Consistent*
22 *with the protection of classified information and controlled*
23 *unclassified information, the Secretary of Homeland Secu-*
24 *rity shall coordinate with appropriate Federal officials to*
25 *provide the National Network of Fusion Centers described*

1 *in subsection (a) with periodic assessments regarding the*
2 *overall threat from known or suspected terrorists currently*
3 *incarcerated in a Federal correctional facility, including*
4 *the assessed risks of such populations engaging in terrorist*
5 *activity upon release.*

6 (d) *PRIVACY PROTECTIONS.*—*Prior to implementing*
7 *subsection (a), the Secretary of Homeland Security shall*
8 *receive input and advice from the Officer for Civil Rights*
9 *and Civil Liberties, the Officer for Privacy and the Chief*
10 *Intelligence Officer of the Department of Homeland Secu-*
11 *urity.*

12 (e) *RULE OF CONSTRUCTION.*—*Nothing in this section*
13 *may be construed as requiring the establishment of a list*
14 *or registry of individuals convicted of terrorism.*

15 (f) *DEFINITION.*—*In this section, the term “fusion cen-*
16 *ter” has the meaning given the term in section 210A(j) of*
17 *the Homeland Security Act of 2002 (6 U.S.C. 124h(j)), as*
18 *amended by this Act.*

19 **SEC. 1318. ANNUAL REPORT ON OFFICE FOR STATE AND**
20 **LOCAL LAW ENFORCEMENT.**

21 *Section 2006(b) of the Homeland Security Act of 2002*
22 *(6 U.S.C. 607(b)) is amended—*

23 (1) *by redesignating paragraph (5) as para-*
24 *graph (6); and*

1 (2) by inserting after paragraph (4) the fol-
2 lowing new paragraph:

3 “(5) *REPORT.*—For each of fiscal years 2019
4 through 2023, the Assistant Secretary for State and
5 Local Law Enforcement shall submit to the Com-
6 mittee on Homeland Security of the House of Rep-
7 resentatives and the Committee on Homeland Secu-
8 rity and Governmental Affairs of the Senate a report
9 on the activities of the Office for State and Local Law
10 Enforcement. Each such report shall include, for the
11 fiscal year covered by the report, a description of each
12 of the following:

13 “(A) Efforts to coordinate and share infor-
14 mation regarding Department and component
15 agency programs with State, local, and tribal
16 law enforcement agencies.

17 “(B) Efforts to improve information shar-
18 ing through the Homeland Security Information
19 Network by appropriate component agencies of
20 the Department and by State, local, and tribal
21 law enforcement agencies.

22 “(C) The status of performance metrics
23 within the Office for State and Local Law En-
24 forcement to evaluate the effectiveness of efforts to

1 *carry out responsibilities set forth within this*
2 *subsection.*

3 “(D) *Any feedback from State, local, and*
4 *tribal law enforcement agencies about the Office*
5 *for State and Local Law Enforcement, including*
6 *the mechanisms utilized to collect such feedback.*

7 “(E) *Efforts to carry out all other respon-*
8 *sibilities of the Office for State and Local Law*
9 *Enforcement.*”.

10 **SEC. 1319. ANNUAL CATALOG ON DEPARTMENT OF HOME-**
11 **LAND SECURITY TRAINING, PUBLICATIONS,**
12 **PROGRAMS, AND SERVICES FOR STATE,**
13 **LOCAL, TRIBAL, AND TERRITORIAL LAW EN-**
14 **FORCEMENT AGENCIES.**

15 *Section 2006(b)(4) of the Homeland Security Act of*
16 *2002 (6 U.S.C. 607(b)(4)) is amended—*

17 (1) *in subparagraph (E), by striking “and” at*
18 *the end;*

19 (2) *in subparagraph (F), by striking the period*
20 *and inserting a semicolon; and*

21 (3) *by adding at the end the following new sub-*
22 *paragraphs:*

23 “(G) *produce an annual catalog that sum-*
24 *marizes opportunities for training, publications,*
25 *programs, and services available to State, local,*

1 *tribal, and territorial law enforcement agencies*
2 *from the Department and from each component*
3 *and office within the Department and, not later*
4 *than 30 days after the date of such production,*
5 *disseminate the catalog, including by—*

6 “(i) *making such catalog available to*
7 *State, local, tribal, and territorial law en-*
8 *forcement agencies, including by posting the*
9 *catalog on the website of the Department*
10 *and cooperating with national organiza-*
11 *tions that represent such agencies;*

12 “(ii) *making such catalog available*
13 *through the Homeland Security Informa-*
14 *tion Network; and*

15 “(iii) *submitting such catalog to the*
16 *Committee on Homeland Security of the*
17 *House of Representatives and the Committee*
18 *on Homeland Security and Governmental*
19 *Affairs of the Senate; and*

20 “(H) *in coordination with appropriate*
21 *components and offices of the Department and*
22 *other Federal agencies, develop, maintain, and*
23 *make available information on Federal resources*
24 *intended to support fusion center access to Fed-*
25 *eral information and resources.”.*

1 **SEC. 1320. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND**
2 **NUCLEAR INTELLIGENCE AND INFORMATION**
3 **SHARING.**

4 *(a) IN GENERAL.—Subtitle A of title II of the Home-*
5 *land Security Act of 2002 (6 U.S.C. 121 et seq.), as amend-*
6 *ed by subtitle A of this Act, is amended by adding at the*
7 *end the following:*

8 **“SEC. 210J. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND**
9 **NUCLEAR INTELLIGENCE AND INFORMATION**
10 **SHARING.**

11 *“(a) IN GENERAL.—The Office of Intelligence and*
12 *Analysis of the Department shall—*

13 *“(1) support homeland security-focused intel-*
14 *ligence analysis of terrorist actors, their claims, and*
15 *their plans to conduct attacks involving chemical, bio-*
16 *logical, radiological, or nuclear materials against the*
17 *United States;*

18 *“(2) support homeland security-focused intel-*
19 *ligence analysis of global infectious disease, public*
20 *health, food, agricultural, and veterinary issues;*

21 *“(3) support homeland security-focused risk*
22 *analysis and risk assessments of the homeland secu-*
23 *rity hazards described in paragraphs (1) and (2), in-*
24 *cluding the transportation of chemical, biological, nu-*
25 *clear, and radiological materials, by providing rel-*

1 *evant quantitative and nonquantitative threat infor-*
2 *mation;*

3 *“(4) leverage existing and emerging homeland se-*
4 *curity intelligence capabilities and structures to en-*
5 *hance prevention, protection, response, and recovery*
6 *efforts with respect to a chemical, biological, radio-*
7 *logical, or nuclear attack;*

8 *“(5) share information and provide tailored ana-*
9 *lytical support on these threats to State, local, and*
10 *tribal authorities, other Federal agencies, and rel-*
11 *evant national biosecurity and biodefense stake-*
12 *holders, as appropriate; and*

13 *“(6) perform other responsibilities, as assigned*
14 *by the Secretary.*

15 *“(b) COORDINATION.—Where appropriate, the Office of*
16 *Intelligence and Analysis shall coordinate with other rel-*
17 *evant Department components, including the Countering*
18 *Weapons of Mass Destruction Office, the National Bio-*
19 *surveillance Integration Center, other agencies within the*
20 *intelligence community, including the National Counter*
21 *Proliferation Center, and other Federal, State, local, and*
22 *tribal authorities, including officials from high-threat*
23 *urban areas, State and major urban area fusion centers,*
24 *and local public health departments, as appropriate, and*
25 *enable such entities to provide recommendations on optimal*

1 *information sharing mechanisms, including expeditious*
2 *sharing of classified information, and on how such entities*
3 *can provide information to the Department.*

4 “(c) *DEFINITIONS.—In this section:*

5 “(1) *FUSION CENTER.—The term ‘fusion center’*
6 *has the meaning given the term in section 210A.*

7 “(2) *INTELLIGENCE COMMUNITY.—The term ‘in-*
8 *telligence community’ has the meaning given such*
9 *term in section 3(4) of the National Security Act of*
10 *1947 (50 U.S.C. 401a(4)).*

11 “(3) *NATIONAL BIOSECURITY AND BIODEFENSE*
12 *STAKEHOLDERS.—The term ‘national biosecurity and*
13 *biodefense stakeholders’ means officials from Federal,*
14 *State, local, and tribal authorities and individuals*
15 *from the private sector who are involved in efforts to*
16 *prevent, protect against, respond to, and recover from*
17 *a biological attack or other phenomena that may have*
18 *serious health consequences for the United States, in-*
19 *cluding infectious disease outbreaks.”.*

20 (b) *CLERICAL AMENDMENT.—The table of contents in*
21 *section 1(b) of the Homeland Security Act of 2002 (Public*
22 *Law 107–296; 116 Stat. 2135), as amended by subtitle A*
23 *of this title, is amended by inserting after the item relating*
24 *to section 210I the following:*

“Sec. 210J. *Chemical, biological, radiological, and nuclear intelligence and infor-*
mation sharing.”.

1 (c) *REPORT.*—

2 (1) *IN GENERAL.*—Not later than 1 year after
3 the date of enactment of this Act and annually there-
4 after, the Secretary of Homeland Security shall report
5 to the appropriate congressional committees on—

6 (A) *the intelligence and information shar-*
7 *ing activities under section 210I of the Home-*
8 *land Security Act of 2002 (as added by sub-*
9 *section (a) of this section) and of all relevant en-*
10 *tities within the Department of Homeland Secu-*
11 *rity to counter the threat from attacks using*
12 *chemical, biological, radiological, or nuclear ma-*
13 *terials; and*

14 (B) *the Department's activities in accord-*
15 *ance with relevant intelligence strategies.*

16 (2) *ASSESSMENT OF IMPLEMENTATION.*—The re-
17 ports required under paragraph (1) shall include—

18 (A) *an assessment of the progress of the Of-*
19 *fice of Intelligence and Analysis of the Depart-*
20 *ment of Homeland Security in implementing*
21 *such section 210I; and*

22 (B) *a description of the methods established*
23 *to carry out such assessment.*

1 (3) *TERMINATION.*—*This subsection shall termi-*
2 *nate on the date that is 5 years after the date of en-*
3 *actment of this Act.*

4 (4) *DEFINITION.*—*In this subsection, the term*
5 *“appropriate congressional committees” means the*
6 *Committee on Homeland Security of the House of*
7 *Representatives and the Committee on Homeland Se-*
8 *curity and Governmental Affairs of the Senate and*
9 *any committee of the House of Representatives or the*
10 *Senate having legislative jurisdiction under the rules*
11 *of the House of Representatives or Senate, respec-*
12 *tively, over the matter concerned.*

13 (d) *DISSEMINATION OF INFORMATION ANALYZED BY*
14 *THE DEPARTMENT TO STATE, LOCAL, TRIBAL, AND PRI-*
15 *VATE ENTITIES WITH RESPONSIBILITIES RELATING TO*
16 *HOMELAND SECURITY.*—*Section 201(d)(8) of the Home-*
17 *land Security Act of 2002 (6 U.S.C. 121(d)(8)) is amended*
18 *by striking “and to agencies of State” and all that follows*
19 *through the period at the end and inserting “to State, local,*
20 *and tribal governments and private entities with such re-*
21 *sponsibilities, and, as appropriate, to the public, in order*
22 *to assist in preventing, deterring, or responding to acts of*
23 *terrorism against the United States.”.*

1 **SEC. 1321. DUTY TO REPORT.**

2 (a) *DUTY IMPOSED.*—*Except as provided in subsection*
3 *(c), whenever an act of terrorism occurs in the United*
4 *States, it shall be the duty of the primary Government*
5 *agency investigating such act to submit, in collaboration*
6 *with the Secretary of Homeland Security, the Attorney*
7 *General, the Director of the Federal Bureau of Investiga-*
8 *tion, and, as appropriate, the Director of the National*
9 *Counterterrorism Center, an unclassified report (which*
10 *may be accompanied by a classified annex) to Congress con-*
11 *cerning such act not later than 1 year after the completion*
12 *of the investigation. Reports required under this subsection*
13 *may be combined into a quarterly report to Congress.*

14 (b) *CONTENT OF REPORTS.*—*Each report under this*
15 *section shall include—*

16 (1) *a statement of the facts of the act of ter-*
17 *rorism referred to in subsection (a), as known at the*
18 *time of the report;*

19 (2) *an explanation of any gaps in national secu-*
20 *rity that could be addressed to prevent future acts of*
21 *terrorism;*

22 (3) *any recommendations for additional meas-*
23 *ures that could be taken to improve homeland secu-*
24 *rity, including potential changes in law enforcement*
25 *practices or changes in law, with particular attention*

1 *international mail, including information about best prac-*
2 *tices and known shippers of illegal narcotics, between—*

3 *(1) Department of Homeland Security compo-*
4 *nents;*

5 *(2) the United States Postal Service;*

6 *(3) express consignment operators;*

7 *(4) peer-to-peer payment platforms; and*

8 *(5) other appropriate stakeholders.*

9 **SEC. 1323. CONSTITUTIONAL LIMITATIONS.**

10 *All intelligence gathering and information sharing ac-*
11 *tivities conducted by the Department of Homeland Security*
12 *under this title or an amendment made by this title shall*
13 *be carried out in accordance with the rights and protections*
14 *afforded by the Constitution of the United States.*

15 **TITLE IV—EMERGENCY PRE-**
16 **PAREDNESS, RESPONSE, AND**
17 **COMMUNICATIONS**

18 **Subtitle A—Grants, Training,**
19 **Exercises, and Coordination**

20 **SEC. 1401. URBAN AREA SECURITY INITIATIVE.**

21 *Section 2003 of the Homeland Security Act of 2002*
22 *(6 U.S.C. 604) is amended—*

23 *(1) in subsection (b)(2)(A), in the matter pre-*
24 *ceding clause (i), by inserting “, using the most up-*
25 *to-date data available,” after “assessment”;*

1 (2) *in subsection (d)(2), by amending subpara-*
2 *graph (B) to read as follows:*

3 “(B) *FUNDS RETAINED.—To ensure trans-*
4 *parency and avoid duplication, a State shall*
5 *provide each relevant high-risk urban area with*
6 *a detailed accounting of the items, services, or*
7 *activities on which any funds retained by the*
8 *State under subparagraph (A) are to be ex-*
9 *pended. Such accounting shall be provided not*
10 *later than 90 days after the date on which such*
11 *funds are retained.”; and*

12 (3) *by striking subsection (e) and inserting the*
13 *following new subsections:*

14 “(e) *THREAT AND HAZARD IDENTIFICATION RISK AS-*
15 *SESSMENT AND CAPABILITY ASSESSMENT.—As a condition*
16 *of receiving a grant under this section, each high-risk urban*
17 *area shall submit to the Administrator a threat and hazard*
18 *identification and risk assessment and capability assess-*
19 *ment—*

20 “(1) *at such time and in such form as is re-*
21 *quired by the Administrator; and*

22 “(2) *consistent with the Federal Emergency*
23 *Management Agency’s Comprehensive Preparedness*
24 *Guide 201, Second Edition, or such successor docu-*
25 *ment or guidance as is issued by the Administrator.*

1 “(f) *PERIOD OF PERFORMANCE.*—*The Administrator*
2 *shall make funds provided under this section available for*
3 *use by a recipient of a grant for a period of not less than*
4 *36 months.*”.

5 **SEC. 1402. STATE HOMELAND SECURITY GRANT PROGRAM.**

6 *Section 2004 of the Homeland Security Act of 2002*
7 *(6 U.S.C. 605) is amended by striking subsection (f) and*
8 *inserting the following new subsections:*

9 “(f) *THREAT AND HAZARD IDENTIFICATION AND RISK*
10 *ASSESSMENT AND CAPABILITY ASSESSMENT.*—

11 “(1) *IN GENERAL.*—*As a condition of receiving*
12 *a grant under this section, each State shall submit to*
13 *the Administrator a threat and hazard identification*
14 *and risk assessment and capability assessment—*

15 “(A) *at such time and in such form as is*
16 *required by the Administrator; and*

17 “(B) *consistent with the Federal Emergency*
18 *Management Agency’s Comprehensive Prepared-*
19 *ness Guide 201, Second Edition, or such suc-*
20 *cessor document or guidance as is issued by the*
21 *Administrator.*

22 “(2) *COLLABORATION.*—*In developing the threat*
23 *and hazard identification and risk assessment under*
24 *paragraph (1), a State shall solicit input from local*
25 *and tribal governments, including first responders,*

1 *and, as appropriate, nongovernmental and private*
2 *sector stakeholders.*

3 “(3) *FIRST RESPONDERS DEFINED.*—*In this sub-*
4 *section, the term ‘first responders’—*

5 “(A) *means an emergency response pro-*
6 *vider; and*

7 “(B) *includes representatives of local gov-*
8 *ernmental and nongovernmental fire, law en-*
9 *forcement, emergency management, and emer-*
10 *gency medical personnel.*

11 “(g) *PERIOD OF PERFORMANCE.*—*The Administrator*
12 *shall make funds provided under this section available for*
13 *use by a recipient of a grant for a period of not less than*
14 *36 months.”.*

15 **SEC. 1403. GRANTS TO DIRECTLY ELIGIBLE TRIBES.**

16 *Section 2005 of the Homeland Security Act of 2002*
17 *(6 U.S.C. 606) is amended by—*

18 (1) *redesignating subsections (h) through (k) as*
19 *subsections (i) through (l), respectively; and*

20 (2) *inserting after subsection (g) the following*
21 *new subsection:*

22 “(h) *PERIOD OF PERFORMANCE.*—*The Secretary shall*
23 *make funds provided under this section available for use*
24 *by a recipient of a grant for a period of not less than 36*
25 *months.”.*

1 **SEC. 1404. LAW ENFORCEMENT TERRORISM PREVENTION.**

2 (a) *LAW ENFORCEMENT TERRORISM PREVENTION*
3 *PROGRAM.*—Section 2006(a) of the Homeland Security Act
4 of 2002 (6 U.S.C. 607(a)) is amended—

5 (1) in paragraph (1)—

6 (A) by inserting “States and high-risk
7 urban areas expend” after “that”; and

8 (B) by striking “is used”;

9 (2) in paragraph (2), by amending subpara-
10 graph (I) to read as follows:

11 “(I) activities as determined appropriate by
12 the Administrator, in coordination with the As-
13 sistant Secretary for State and Local Law En-
14 forcement within the Office of Partnership and
15 Engagement of the Department, through outreach
16 to relevant stakeholder organizations; and”;

17 (3) by adding at the end the following new para-
18 graph:

19 “(4) *ANNUAL REPORT.*—The Administrator, in
20 coordination with the Assistant Secretary for State
21 and Local Law Enforcement, shall report annually
22 from fiscal year 2018 through fiscal year 2022 on the
23 use of grants under sections 2003 and 2004 for law
24 enforcement terrorism prevention activities authorized
25 under this section, including the percentage and dol-

1 *lar amount of funds used for such activities and the*
2 *types of projects funded.”.*

3 (b) *OFFICE FOR STATE AND LOCAL LAW ENFORCE-*
4 *MENT.—Section 2006(b) of the Homeland Security Act of*
5 *2002 (6 U.S.C. 607(b)) is amended—*

6 (1) *in paragraph (1), by striking “Policy Direc-*
7 *torate” and inserting “Office of Partnership and En-*
8 *gagement”;* and

9 (2) *in paragraph (4)—*

10 (A) *in subparagraph (B), by inserting “,*
11 *including through consultation with such agen-*
12 *cies regarding Department programs that may*
13 *impact such agencies” before the semicolon at the*
14 *end;* and

15 (B) *in subparagraph (D), by striking “en-*
16 *sure” and inserting “verify”.*

17 **SEC. 1405. PRIORITIZATION.**

18 *Section 2007(a) of the Homeland Security Act of 2002*
19 *(6 U.S.C. 608(a)) is amended—*

20 (1) *in paragraph (1)—*

21 (A) *by amending subparagraph (A) to read*
22 *as follows:*

23 *“(A) its population, including consideration*
24 *of domestic and international tourists, com-*
25 *muters, and military populations, including*

1 *military populations residing in communities*
2 *outside military installations;”;*

3 *(B) in subparagraph (E), by inserting “,*
4 *including threat information from other relevant*
5 *Federal agencies and field offices, as appro-*
6 *priate” before the semicolon at the end; and*

7 *(C) in subparagraph (I), by striking “tar-*
8 *get” and inserting “core”; and*

9 *(2) in paragraph (2), by striking “target” and*
10 *inserting “core”.*

11 **SEC. 1406. ALLOWABLE USES.**

12 *Section 2008 of the Homeland Security Act of 2002*
13 *(6 U.S.C. 609) is amended—*

14 *(1) in subsection (a)—*

15 *(A) in the matter preceding paragraph (1),*
16 *by striking “target” and inserting “core”;*

17 *(B) in paragraph (5), by inserting before*
18 *the semicolon at the end the following: “, pro-*
19 *vided such emergency communications align*
20 *with the Statewide Communication Interoper-*
21 *ability Plan and are coordinated with the State-*
22 *wide Interoperability Coordinator or Statewide*
23 *interoperability governance body of the State of*
24 *the recipient”;*

25 *(C) by striking paragraph (14);*

1 (D) by redesignating paragraphs (6)
2 through (13) as paragraphs (8) through (15), re-
3 spectively;

4 (E) by inserting after paragraph (5) the fol-
5 lowing new paragraphs:

6 “(6) enhancing medical preparedness, medical
7 surge capacity, and mass prophylaxis capabilities, in-
8 cluding the development and maintenance of an ini-
9 tial pharmaceutical stockpile, including medical kits
10 and diagnostics sufficient to protect first responders
11 (as defined in section 2004(f)), their families, imme-
12 diate victims, and vulnerable populations from a
13 chemical or biological event;

14 “(7) enhancing cybersecurity, including pre-
15 paring for and responding to cybersecurity risks and
16 incidents (as such terms are defined in section 2209)
17 and developing statewide cyber threat information
18 analysis and dissemination activities;”;

19 (F) in paragraph (8), as so redesignated, by
20 striking “Homeland Security Advisory System”
21 and inserting “National Terrorism Advisory
22 System”;

23 (G) in paragraph (14), as so redesignated—

24 (i) by striking “3” and inserting “5”;

25 and

1 (ii) by adding “and” at the end; and
2 (H) in paragraph (15), as so redesignated,
3 by striking “; and” and inserting a period;
4 (2) in subsection (b)—
5 (A) in paragraph (3)(B), by striking
6 “(a)(10)” and inserting “(a)(12)”; and
7 (B) in paragraph (4)(B)(i), by striking
8 “target” and inserting “core”; and
9 (3) in subsection (c), by striking “target” and
10 inserting “core”.

11 **SEC. 1407. APPROVAL OF CERTAIN EQUIPMENT.**

12 (a) *IN GENERAL.*—Section 2008 of the Homeland Se-
13 curity Act of 2002 (6 U.S.C. 609) is amended—

14 (1) in subsection (f)—

15 (A) by striking “If an applicant” and in-
16 serting the following:

17 “(1) *APPLICATION REQUIREMENT.*—If an appli-
18 cant”; and

19 (B) by adding at the end the following:

20 “(2) *REVIEW PROCESS.*—The Administrator
21 shall implement a uniform process for reviewing ap-
22 plications that, in accordance with paragraph (1),
23 contain explanations for a proposal to use grants pro-
24 vided under section 2003 or 2004 to purchase equip-
25 ment or systems that do not meet or exceed any appli-

1 *cable national voluntary consensus standards devel-*
2 *oped under section 647 of the Post-Katrina Emer-*
3 *gency Management Reform Act of 2006 (6 U.S.C.*
4 *747).*

5 *“(3) FACTORS.—In carrying out the review proc-*
6 *ess under paragraph (2), the Administrator shall con-*
7 *sider the following:*

8 *“(A) Current or past use of proposed equip-*
9 *ment or systems by Federal agencies or the*
10 *Armed Forces.*

11 *“(B) The absence of a national voluntary*
12 *consensus standard for such equipment or sys-*
13 *tems.*

14 *“(C) The existence of an international con-*
15 *sensus standard for such equipment or systems,*
16 *and whether such equipment or systems meets*
17 *such standard.*

18 *“(D) The nature of the capability gap iden-*
19 *tified by the applicant, and how such equipment*
20 *or systems will address such gap.*

21 *“(E) The degree to which such equipment or*
22 *systems will serve the needs of the applicant bet-*
23 *ter than equipment or systems that meet or ex-*
24 *ceed existing consensus standards.*

1 “(F) Any other factor determined appro-
2 priate by the Administrator.”; and

3 (2) by adding at the end the following new sub-
4 section:

5 “(g) REVIEW PROCESS.—The Administrator shall im-
6 plement a uniform process for reviewing applications to use
7 grants provided under section 2003 or 2004 to purchase
8 equipment or systems not included on the Authorized
9 Equipment List maintained by the Administrator.”.

10 (b) INSPECTOR GENERAL REPORT.—Not later than 3
11 years after the date of enactment of this Act, the Inspector
12 General of the Department of Homeland Security shall sub-
13 mit to the Committee on Homeland Security of the House
14 of Representatives and the Committee on Homeland Secu-
15 rity and Governmental Affairs of the Senate a report assess-
16 ing the implementation of the review process established
17 under paragraph (2) of subsection (f) of section 2008 of the
18 Homeland Security Act of 2002 (as added by subsection (a)
19 of this section), including information on the following:

20 (1) The number of requests to purchase equip-
21 ment or systems that do not meet or exceed any appli-
22 cable national voluntary consensus standard evalu-
23 ated under such review process.

24 (2) The capability gaps identified by applicants
25 and the number of such requests granted or denied.

1 (3) *The processing time for the review of such re-*
2 *quests.*

3 **SEC. 1408. AUTHORITY FOR EXPLOSIVE ORDNANCE DIS-**
4 **POSAL UNITS TO ACQUIRE NEW OR EMERG-**
5 **ING TECHNOLOGIES AND CAPABILITIES.**

6 *The Secretary of Homeland Security may authorize an*
7 *explosive ordnance disposal unit to acquire new or emerg-*
8 *ing technologies and capabilities that are not specifically*
9 *provided for in the authorized equipment allowance for the*
10 *unit, as such allowance is set forth in the Authorized Equip-*
11 *ment List maintained by the Administrator of the Federal*
12 *Emergency Management Agency.*

13 **SEC. 1409. MEMORANDA OF UNDERSTANDING.**

14 *(a) IN GENERAL.—Subtitle B of title XX of the Home-*
15 *land Security Act of 2002 (6 U.S.C. 611 et seq.) is amended*
16 *by adding at the end the following new section:*

17 **“SEC. 2024. MEMORANDA OF UNDERSTANDING WITH DE-**
18 **PARTMENTAL COMPONENTS AND OFFICES**
19 **REGARDING THE POLICY AND GUIDANCE.**

20 *“The Administrator shall enter into memoranda of un-*
21 *derstanding with the heads of the following departmental*
22 *components and offices delineating the roles and respon-*
23 *sibilities of such components and offices regarding the pol-*
24 *icy and guidance for grants under section 1406 of the Im-*
25 *plementing Recommendations of the 9/11 Commission Act*

1 of 2007 (6 U.S.C. 1135), sections 2003 and 2004 of this
2 Act, and section 70107 of title 46, United States Code, as
3 appropriate:

4 “(1) *The Commissioner of U.S. Customs and*
5 *Border Protection.*

6 “(2) *The Administrator of the Transportation*
7 *Security Administration.*

8 “(3) *The Commandant of the Coast Guard.*

9 “(4) *The Under Secretary for Intelligence and*
10 *Analysis.*

11 “(5) *The Assistant Director for Emergency Com-*
12 *munications.*

13 “(6) *The Assistant Secretary for State and Local*
14 *Law Enforcement.*

15 “(7) *The Countering Violent Extremism Coordi-*
16 *nator.*

17 “(8) *The Officer for Civil Rights and Civil Lib-*
18 *erties.*

19 “(9) *The Chief Medical Officer.*

20 “(10) *The heads of other components or offices of*
21 *the Department, as determined by the Secretary.”.*

22 (b) *CLERICAL AMENDMENT.—The table of contents in*
23 *section 1(b) of the Homeland Security Act of 2002 (Public*
24 *Law 107–296; 116 Stat. 2135) is amended by inserting*

1 *after the item relating to section 2023 the following new*
2 *item:*

*“Sec. 2024. Memoranda of understanding with departmental components and of-
fices regarding the policy and guidance.”.*

3 **SEC. 1410. GRANTS METRICS.**

4 (a) *IN GENERAL.*—*To determine the extent to which*
5 *grants under sections 2003 and 2004 of the Homeland Secu-*
6 *rity Act of 2002 (6 U.S.C. 603, 604) have closed capability*
7 *gaps identified in State Preparedness Reports required*
8 *under subsection (c) of section 652 of the Post-Katrina*
9 *Emergency Management Reform Act of 2006 (6 U.S.C. 752;*
10 *title VI of the Department of Homeland Security Appro-*
11 *priations Act, 2007; Public Law 109–295) and Threat and*
12 *Hazard Identification and Risk Assessments required under*
13 *subsections (e) and (f) of such sections 2003 and 2004, re-*
14 *spectively, as added by this Act, from each State and high-*
15 *risk urban area, the Administrator of the Federal Emer-*
16 *gency Management Agency shall conduct and submit to the*
17 *Committee on Homeland Security and the Committee on*
18 *Transportation and Infrastructure of the House of Rep-*
19 *resentatives and the Committee on Homeland Security and*
20 *Governmental Affairs of the Senate an assessment of infor-*
21 *mation provided in those reports and assessments.*

22 (b) *ASSESSMENT REQUIREMENTS.*—*The assessment re-*
23 *quired under subsection (a) shall include—*

1 (1) *a comparison of successive State Prepared-*
2 *ness Reports and Threat and Hazard Identification*
3 *and Risk Assessments that aggregates results across*
4 *the States and high-risk urban areas; and*

5 (2) *an assessment of the value and usefulness of*
6 *State Preparedness Reports and Threat and Hazard*
7 *Identification and Risk Assessments, including—*

8 (A) *the degree to which such reports and as-*
9 *sessments are data-driven and empirically sup-*
10 *ported;*

11 (B) *the degree to which such reports and as-*
12 *sessments have informed grant award decisions*
13 *by the Federal Emergency Management Agency;*

14 (C) *the degree to which grant award deci-*
15 *sions by the Federal Emergency Management*
16 *Agency have demonstrably reduced the risks*
17 *identified in such reports and assessments;*

18 (D) *the degree to which such reports and as-*
19 *sessments align with Federal risk assessments,*
20 *including counterterrorism risk assessments, and*
21 *the degree to which grant award decisions by the*
22 *Federal Emergency Management Agency have re-*
23 *duced those federally identified risks;*

1 (E) the degree to which capability gaps
2 identified in such reports and assessments have
3 been mitigated; and

4 (F) options for improving State Prepared-
5 ness Reports and Threat and Hazard Identifica-
6 tion and Risk Assessments so that they better in-
7 form and align with grant award decisions by
8 the Federal Emergency Management Agency.

9 (c) *INSPECTOR GENERAL EVALUATION.*—The Inspec-
10 tor General of the Department of Homeland Security shall
11 submit to the Committee on Homeland Security and the
12 Committee on Transportation and Infrastructure of the
13 House of Representatives and the Committee on Homeland
14 Security and Governmental Affairs of the Senate a report
15 evaluating the assessment conducted by the Administrator
16 of the Federal Emergency Management Agency under sub-
17 section (a).

18 **SEC. 1411. GRANT MANAGEMENT BEST PRACTICES.**

19 *The Administrator of the Federal Emergency Manage-*
20 *ment Agency shall include on the website of the Federal*
21 *Emergency Management Agency the following:*

22 (1) *A summary of findings identified by the Of-*
23 *fice of the Inspector General of the Department of*
24 *Homeland Security in audits of grants under sections*
25 *2003 and 2004 of the Homeland Security Act of 2002*

1 (6 U.S.C. 603, 604) and methods to address areas
2 identified for improvement, including opportunities
3 for technical assistance.

4 (2) Innovative projects and best practices insti-
5 tuted by grant recipients.

6 **SEC. 1412. PROHIBITION ON CONSOLIDATION.**

7 (a) *IN GENERAL.*—The Secretary of Homeland Secu-
8 rity may not implement the National Preparedness Grant
9 Program or any successor consolidated grant program un-
10 less the Secretary receives prior authorization from Con-
11 gress permitting such implementation.

12 (b) *STUDY.*—Not later than 1 year after the date of
13 enactment of this Act, the Secretary of Homeland Security
14 shall conduct a study of consolidating preparedness grant
15 programs to—

16 (1) determine if the consolidated grant program
17 would be more efficient, effective, and cost effective;
18 and

19 (2) assess whether the responsibility for man-
20 aging the preparedness grant programs should be relo-
21 cated within the Department of Homeland Security.

22 **SEC. 1413. MAINTENANCE OF GRANT INVESTMENTS.**

23 Section 2008 of the Homeland Security Act of 2002
24 (6 U.S.C. 609), as amended by section 1407, is amended
25 by adding at the end the following new subsection:

1 “(h) *MAINTENANCE OF EQUIPMENT.*—Any applicant
2 for a grant under section 2003 or 2004 seeking to use funds
3 to purchase equipment, including pursuant to paragraphs
4 (3), (4), (5), or (12) of subsection (a) of this section, shall
5 by the time of the receipt of such grant develop a plan for
6 the maintenance of such equipment over its life-cycle that
7 includes information identifying which entity is responsible
8 for such maintenance.”.

9 **SEC. 1414. TRANSIT SECURITY GRANT PROGRAM.**

10 Section 1406 of the *Implementing Recommendations*
11 *of the 9/11 Commission Act of 2007* (6 U.S.C. 1135) is
12 amended—

13 (1) in subsection (b)(2)(A), by inserting “and
14 costs associated with filling the positions of employees
15 receiving training during their absence” after “secu-
16 rity training”; and

17 (2) by striking subsection (m) and inserting the
18 following new subsections:

19 “(m) *PERIODS OF PERFORMANCE.*—Funds provided
20 pursuant to a grant awarded under this section for a use
21 specified in subsection (b) shall remain available for use
22 by a grant recipient for a period of not fewer than 36
23 months.”.

1 **SEC. 1415. PORT SECURITY GRANT PROGRAM.**

2 *Section 70107 of title 46, United States Code, is*
3 *amended by—*

4 *(1) striking subsection (l);*

5 *(2) redesignating subsection (m) as subsection*
6 *(l); and*

7 *(3) by adding at the end the following new sub-*
8 *sections:*

9 *“(m) PERIOD OF PERFORMANCE.—The Secretary shall*
10 *make funds provided under this section available for use*
11 *by a recipient of a grant for a period of not less than 36*
12 *months.”.*

13 **SEC. 1416. CYBER PREPAREDNESS.**

14 *(a) IN GENERAL.—Section 2209 of the Homeland Se-*
15 *curity Act of 2002, as so redesignated by section 1601(g),*
16 *is amended—*

17 *(1) in subsection (c)—*

18 *(A) in paragraph (5)(B), by inserting “, in-*
19 *cluding the National Network of Fusion Centers*
20 *(as defined in section 210A), as appropriate” be-*
21 *fore the semicolon at the end;*

22 *(B) in paragraph (7), in the matter pre-*
23 *ceding subparagraph (A), by striking “informa-*
24 *tion and recommendations” each place it ap-*
25 *pears and inserting “information, recommenda-*
26 *tions, and best practices”; and*

1 (C) in paragraph (9), by inserting “best
2 practices,” after “defensive measures,”; and
3 (2) in subsection (d)(1)(B)(ii), by inserting “and
4 State, local, and regional fusion centers (as defined in
5 section 201A), as appropriate” before the semicolon at
6 the end.

7 (b) *SENSE OF CONGRESS.*—It is the sense of Congress
8 that to facilitate the timely dissemination to appropriate
9 State, local, and private sector stakeholders of homeland se-
10 curity information related to cyber threats, the Secretary
11 of Homeland Security should, to the greatest extent prac-
12 ticable, work to share actionable information in an unclas-
13 sified form related to such threats.

14 **SEC. 1417. OPERATION STONEGARDEN.**

15 (a) *IN GENERAL.*—Subtitle A of title XX of the Home-
16 land Security Act of 2002 (6 U.S.C. 601 et seq.) is amended
17 by adding at the end the following:

18 **“SEC. 2009. OPERATION STONEGARDEN.**

19 “(a) *ESTABLISHMENT.*—There is established in the De-
20 partment a program to be known as ‘Operation
21 Stonegarden’. Under such program, the Secretary, acting
22 through the Administrator, shall make grants to eligible law
23 enforcement agencies, through the State Administrative
24 Agency, to enhance border security in accordance with this
25 section.

1 “(b) *ELIGIBLE RECIPIENTS.*—*To be eligible to receive*
2 *a grant under this section, a law enforcement agency*
3 *shall—*

4 “(1) *be located in—*

5 “(A) *a State bordering either Canada or*
6 *Mexico; or*

7 “(B) *a State or territory with a maritime*
8 *border; and*

9 “(2) *be involved in an active, ongoing U.S. Cus-*
10 *toms and Border Protection operation coordinated*
11 *through a sector office.*

12 “(c) *PERMITTED USES.*—*The recipient of a grant*
13 *under this section may use such grant for any of the fol-*
14 *lowing:*

15 “(1) *Equipment, including maintenance and*
16 *sustainment costs.*

17 “(2) *Personnel costs, including overtime and*
18 *backfill, directly incurred in support of enhanced bor-*
19 *der law enforcement activities.*

20 “(3) *Any activity permitted for Operation*
21 *Stonegarden under the Department of Homeland Se-*
22 *curity’s Fiscal Year 2016 Homeland Security Grant*
23 *Program Notice of Funding Opportunity.*

24 “(4) *Any other appropriate activity, as deter-*
25 *mined by the Administrator, in consultation with the*

1 *Commissioner of U.S. Customs and Border Protec-*
2 *tion.*

3 “(d) *PERIOD OF PERFORMANCE.*—*The Secretary shall*
4 *make funds provided under this section available for use*
5 *by a recipient of a grant for a period of not less than 36*
6 *months.*

7 “(e) *COLLECTION OF INFORMATION.*—*For any fiscal*
8 *year beginning on or after the date that is 30 days after*
9 *the date of enactment of this section for which grants are*
10 *made under Operation Stonegarden, the Administrator*
11 *shall separately collect and maintain financial information*
12 *with respect to grants awarded under Operation*
13 *Stonegarden, which shall include—*

14 “(1) *the amount of the awards;*

15 “(2) *the amount obligated for the awards;*

16 “(3) *the amount of outlays under the awards;*

17 “(4) *financial plans with respect to the use of the*
18 *awards;*

19 “(5) *any funding transfers or reallocations; and*

20 “(6) *any adjustments to spending plans or re-*
21 *programming.*

22 “(f) *OVERSIGHT BY THE ADMINISTRATOR.*—

23 “(1) *IN GENERAL.*—*The Administrator shall es-*
24 *tablish and implement guidelines—*

1 “(A) to ensure that amounts made available
2 under Operation Stonegarden are used in ac-
3 cordance with grant guidance and Federal laws;

4 “(B) to improve program performance re-
5 porting and program performance measurements
6 to facilitate designing, implementing, and en-
7 forcing procedures under Operation Stonegarden;
8 and

9 “(C) that require the recording of standard-
10 ized performance data regarding program out-
11 put.

12 “(2) *SUBMISSION*.—Not later than 90 days after
13 the date of enactment of this section, the Adminis-
14 trator shall submit to the Committee on Homeland
15 Security and the Committee on Oversight and Gov-
16 ernment Reform of the House of Representatives and
17 the Committee on Homeland Security and Govern-
18 mental Affairs of the Senate the guidelines established
19 under paragraph (1).

20 “(g) *FINANCIAL REVIEW GUIDELINES*.—

21 “(1) *IN GENERAL*.—The Administrator, in co-
22 ordination with the Commissioner of U.S. Customs
23 and Border Protection, shall develop and implement
24 guidelines establishing procedures for implementing

1 *the auditing and reporting requirements under sec-*
2 *tion 2022 with respect to Operation Stonegarden.*

3 “(2) *SUBMISSION.*—*Not later than 90 days after*
4 *the date of enactment of this section, the Adminis-*
5 *trator shall submit to the Committee on Homeland*
6 *Security and the Committee on Oversight and Gov-*
7 *ernment Reform of the House of Representatives and*
8 *the Committee on Homeland Security and Govern-*
9 *mental Affairs of the Senate the guidelines established*
10 *under paragraph (1).*

11 “(h) *REPORT AND BRIEFING.*—*The Administrator, in*
12 *coordination with the Commissioner of U.S. Customs and*
13 *Border Protection, shall, at least annually during each of*
14 *fiscal years 2018 through 2022, submit to the Committee*
15 *on Homeland Security and the Committee on Oversight and*
16 *Government Reform of the House of Representatives and the*
17 *Committee on Homeland Security and Governmental Af-*
18 *airs of the Senate a report and briefing including—*

19 “(1) *for the period covered by the report—*

20 “(A) *information on how each recipient of*
21 *a grant under Operation Stonegarden expended*
22 *amounts received under the grant;*

23 “(B) *a list of all operations carried out*
24 *using amounts made available under Operation*
25 *Stonegarden; and*

1 “(C) for each operation described in sub-
2 paragraph (B)—

3 “(i) whether the operation is active or
4 completed;

5 “(ii) the targeted purpose of the oper-
6 ation;

7 “(iii) the location of the operation; and

8 “(iv) the total number of hours worked
9 by employees of the grant recipient and by
10 employees of U.S. Customs and Border Pro-
11 tection with respect to the operation, includ-
12 ing the number of hours for which such em-
13 ployees received basic pay and the number
14 of hours for which such employees received
15 premium pay, by type of premium pay;
16 and

17 “(2) in the first report submitted under this sub-
18 section—

19 “(A) an examination of the effects changing
20 the Operation Stonegarden Program to award
21 multi-year grants would have on the mission of
22 the program; and

23 “(B) the findings and recommendations of
24 the Administrator regarding what changes could
25 improve the program to better serve the program

1 *mission, which may include feedback from grant*
2 *recipients.”.*

3 **(b) CLERICAL AMENDMENT.**—*The table of contents in*
4 *section 1(b) of the Homeland Security Act of 2002 (Public*
5 *Law 107–296; 116 Stat. 2135) is amended by inserting*
6 *after the item relating to section 2008 the following:*

“Sec. 2009. Operation Stonegarden.”.

7 **SEC. 1418. NON-PROFIT SECURITY GRANT PROGRAM.**

8 **(a) IN GENERAL.**—*Subtitle A of title XX of the Home-*
9 *land Security Act of 2002 (6 U.S.C. 601 et seq.), as amend-*
10 *ed by section 1417 of this Act, is amended by adding at*
11 *the end the following:*

12 **“SEC. 2010. NON-PROFIT SECURITY GRANT PROGRAM.**

13 **“(a) ESTABLISHMENT.**—*There is established in the De-*
14 *partment a program to be known as the ‘Non-Profit Secu-*
15 *rity Grant Program’ (in this section referred to as the ‘Pro-*
16 *gram’). Under the Program, the Secretary, acting through*
17 *the Administrator, shall make grants to eligible nonprofit*
18 *organizations described in subsection (b), through the State*
19 *in which such organizations are located, for target hard-*
20 *ening and other security enhancements to protect against*
21 *terrorist attacks.*

22 **“(b) ELIGIBLE RECIPIENTS.**—*Eligible nonprofit orga-*
23 *nizations described in this subsection (a) are organizations*
24 *that are—*

1 “(1) *described in section 501(c)(3) of the Inter-*
2 *nal Revenue Code of 1986 and exempt from tax under*
3 *section 501(a) of such Code; and*

4 “(2) *determined to be at risk of a terrorist attack*
5 *by the Administrator.*

6 “(c) *PERMITTED USES.—The recipient of a grant*
7 *under this section may use such grant for any of the fol-*
8 *lowing:*

9 “(1) *Target hardening activities, including phys-*
10 *ical security enhancement equipment and inspection*
11 *and screening systems.*

12 “(2) *Fees for security training relating to phys-*
13 *ical security and cybersecurity, target hardening, ter-*
14 *rorism awareness, and employee awareness.*

15 “(3) *Any other appropriate activity related to*
16 *security or security training, as determined by the*
17 *Administrator.*

18 “(d) *ALLOCATION.—The Administrator shall ensure*
19 *that not less than an amount equal to 30 percent of the*
20 *total funds appropriated for grants under the Program for*
21 *each fiscal year is used for grants to eligible nonprofit orga-*
22 *nizations described in subsection (b) that are located in ju-*
23 *risdictions not receiving funding under section 2003.*

24 “(e) *PERIOD OF PERFORMANCE.—The Administrator*
25 *shall make funds provided under this section available for*

1 *use by a recipient of a grant for a period of not less than*
2 *36 months.”.*

3 (b) *CONFORMING AMENDMENT.*—Subsection (a) of sec-
4 *tion 2002 of the Homeland Security Act of 2002 (6 U.S.C.*
5 *603) is amended by striking “sections 2003 and 2004” and*
6 *inserting “sections 2003, 2004, and 2010”.*

7 (c) *CLERICAL AMENDMENT.*—The table of contents in
8 *section 1(b) of the Homeland Security Act of 2002 (Public*
9 *Law 107–296; 116 Stat. 2135), as amended by section*
10 *1417(b), is amended by inserting after the item relating to*
11 *section 2009 the following:*

“Sec. 2010. Non-Profit Security Grant Program.”.

12 **SEC. 1419. STUDY OF THE USE OF GRANT FUNDS FOR CY-**
13 **BERSECURITY.**

14 *Not later than 120 days after the date of enactment*
15 *of this Act, the Comptroller General of the United States*
16 *shall conduct a study on the use of grant funds awarded*
17 *pursuant to section 2003 and section 2004 of the Homeland*
18 *Security Act of 2002 (6 U.S.C. 604, 605), including infor-*
19 *mation on the following:*

20 (1) *The amount of grant funds invested or obli-*
21 *gated annually during fiscal years 2006 through 2016*
22 *to support efforts to prepare for and respond to cyber-*
23 *security risks and incidents (as such terms are de-*
24 *finied in section 2209 of such Act, as so redesignated*
25 *by section 1601(g) of this Act).*

1 (2) *The degree to which grantees identify cyberse-*
2 *curity as a capability gap in the Threat and Hazard*
3 *Identification and Risk Assessment required under*
4 *subsections (e) and (f) of sections 2003 and 2004 of*
5 *such Act (6 U.S.C. 604, 605), as added by this Act.*

6 (3) *Obstacles and challenges related to using*
7 *grant funds to improve cybersecurity.*

8 (4) *Plans for future efforts to encourage grantees*
9 *to use grant funds to improve cybersecurity capabili-*
10 *ties.*

11 **SEC. 1420. JOINT COUNTERTERRORISM AWARENESS WORK-**
12 **SHOP SERIES.**

13 (a) *IN GENERAL.—Title V of the Homeland Security*
14 *Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding*
15 *at the end the following:*

16 **“SEC. 529. JOINT COUNTERTERRORISM AWARENESS WORK-**
17 **SHOP SERIES.**

18 “(a) *IN GENERAL.—The Administrator, in consulta-*
19 *tion with the Director of the National Counterterrorism*
20 *Center and the Director of the Federal Bureau of Investiga-*
21 *tion, shall establish a Joint Counterterrorism Awareness*
22 *Workshop Series (in this section referred to as the ‘Work-*
23 *shop Series’) to—*

24 “(1) *address emerging terrorist threats; and*

1 “(2) enhance the ability of State and local juris-
2 dictions to prevent, protect against, respond to, and
3 recover from terrorist attacks.

4 “(b) *PURPOSE.*—*The Workshop Series established*
5 *under subsection (a) shall include—*

6 “(1) reviewing existing preparedness, response,
7 and interdiction plans, policies, and procedures re-
8 lated to terrorist attacks of the participating jurisdic-
9 tions and identifying gaps in those plans, operational
10 capabilities, response resources, and authorities;

11 “(2) identifying Federal, State, and local re-
12 sources available to address the gaps identified under
13 paragraph (1);

14 “(3) providing assistance, through training, ex-
15 ercises, and other means, to build or sustain, as ap-
16 propriate, the capabilities to close those identified
17 gaps;

18 “(4) examining the roles and responsibilities of
19 participating agencies and respective communities in
20 the event of a terrorist attack;

21 “(5) improving situational awareness and infor-
22 mation sharing among all participating agencies in
23 the event of a terrorist attack; and

24 “(6) identifying and sharing best practices and
25 lessons learned from the Workshop Series.

1 “(c) *DESIGNATION OF PARTICIPATING CITIES.*—The
2 Administrator shall select jurisdictions to host a Workshop
3 Series from those cities that—

4 “(1) are currently receiving, or that previously
5 received, funding under section 2003; and

6 “(2) have requested to be considered.

7 “(d) *WORKSHOP SERIES PARTICIPANTS.*—Individuals
8 from State and local jurisdictions and emergency response
9 providers in cities designated under subsection (c) shall be
10 eligible to participate in the Workshop Series, including—

11 “(1) senior elected and appointed officials;

12 “(2) law enforcement;

13 “(3) fire and rescue;

14 “(4) emergency management;

15 “(5) emergency medical services;

16 “(6) public health officials;

17 “(7) private sector representatives;

18 “(8) representatives of nonprofit organizations;

19 and

20 “(9) other participants as deemed appropriate
21 by the Administrator.

22 “(e) *REPORTS.*—

23 “(1) *WORKSHOP SERIES REPORT.*—The Admin-
24 istrator, in consultation with the Director of the Na-
25 tional Counterterrorism Center, the Director of the

1 *Federal Bureau of Investigation, and officials from*
2 *the city in which a Workshop Series is held, shall de-*
3 *velop and submit to all of the agencies participating*
4 *in the Workshop Series a report after the conclusion*
5 *of the Workshop Series that addresses—*

6 *“(A) key findings about lessons learned and*
7 *best practices from the Workshop Series; and*

8 *“(B) potential mitigation strategies and re-*
9 *sources to address gaps identified during the*
10 *Workshop Series.*

11 *“(2) ANNUAL REPORTS.—Not later than 1 year*
12 *after the date of enactment of this section and annu-*
13 *ally thereafter for 5 years, the Administrator, in con-*
14 *sultation with the Director of the National Counter-*
15 *terrorism Center and the Director of the Federal Bu-*
16 *reau of Investigation, shall submit to the Committee*
17 *on Homeland Security and Governmental Affairs of*
18 *the Senate and the Committee on Homeland Security*
19 *of the House of Representatives a comprehensive sum-*
20 *mary report of the key themes, lessons learned, and*
21 *best practices identified during the Workshop Series*
22 *held during the previous year.*

23 *“(f) AUTHORIZATION.—There is authorized to be ap-*
24 *propriated \$1,000,000 for each of fiscal years 2018 through*
25 *2022 to carry out this section.”.*

1 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*
2 *table of contents in section 1(b) of the Homeland Security*
3 *Act of 2002 (Public Law 107–296; 116 Stat. 2135) is*
4 *amended by inserting after the item relating to section 528*
5 *the following:*

“*Sec. 529. Joint Counterterrorism Awareness Workshop Series.*”.

6 **SEC. 1421. EXERCISE ON TERRORIST AND FOREIGN FIGHT-**
7 **ER TRAVEL; NATIONAL EXERCISE PROGRAM.**

8 (a) *EXERCISE ON TERRORIST AND FOREIGN FIGHTER*
9 *TRAVEL.*—

10 (1) *IN GENERAL.*—*In addition to, or as part of,*
11 *exercise programs carried out by the Department of*
12 *Homeland Security as of the date of enactment of this*
13 *Act, to enhance domestic preparedness for and collec-*
14 *tive response to terrorism, promote the dissemination*
15 *of homeland security information, and test the secu-*
16 *rity posture of the United States, the Secretary of*
17 *Homeland Security, through appropriate offices and*
18 *components of the Department of Homeland Security*
19 *and in coordination with the relevant Federal depart-*
20 *ments and agencies, shall, not later than 1 year after*
21 *the date of enactment of this Act, develop and conduct*
22 *an exercise related to the terrorist and foreign fighter*
23 *threat.*

24 (2) *EXERCISE REQUIREMENTS.*—*The exercise re-*
25 *quired under paragraph (1) shall include—*

1 (A) a scenario involving—

2 (i) persons traveling from the United
3 States to join or provide material support
4 or resources to a terrorist organization
5 abroad; and

6 (ii) terrorist infiltration into the
7 United States, including United States citi-
8 zens and foreign nationals; and

9 (B) coordination with relevant Federal de-
10 partments and agencies, foreign governments,
11 and State, local, tribal, territorial, and private
12 sector stakeholders.

13 (3) REPORT.—

14 (A) IN GENERAL.—Not later than 60 days
15 after the completion of the exercise required
16 under paragraph (1), the Secretary of Homeland
17 Security shall, consistent with the protection of
18 classified information, submit to the Committee
19 on Homeland Security and Governmental Af-
20 fairs of the Senate and the Committee on Home-
21 land Security of the House of Representatives an
22 after-action report presenting the initial findings
23 of the exercise, including any identified or poten-
24 tial vulnerabilities in United States defenses and

1 *any legislative changes requested in light of the*
2 *findings.*

3 *(B) FORM.—The report required under sub-*
4 *paragraph (A) shall be submitted in unclassified*
5 *form, but may include a classified annex.*

6 *(b) EMERGING THREATS IN THE NATIONAL EXERCISE*
7 *PROGRAM.—Section 648(b)(2)(A) of the Post-Katrina*
8 *Emergency Management Reform Act of 2006 (6 U.S.C.*
9 *748(b)(2)(A)) is amended—*

10 *(1) in clause (v), by striking “and” at the end;*

11 *and*

12 *(2) by adding after clause (vi) the following:*

13 *“(vii) designed, to the extent prac-*
14 *ticable, to include exercises addressing*
15 *emerging terrorist threats, such as scenarios*
16 *involving United States citizens departing*
17 *the United States to enlist with or provide*
18 *material support or resources to terrorist*
19 *organizations abroad or terrorist infiltra-*
20 *tion into the United States, including*
21 *United States citizens and foreign nation-*
22 *als; and”.*

23 *(c) NO ADDITIONAL FUNDS AUTHORIZED.—No addi-*
24 *tional funds are authorized to carry out the requirements*
25 *of this section and the amendments made by this section.*

1 *The requirements of this section and the amendments made*
2 *by this section shall be carried out using amounts otherwise*
3 *authorized.*

4 **SEC. 1422. GRANTS ACCOUNTABILITY.**

5 *Section 2022 of the Homeland Security Act of 2002*
6 *(6. U.S.C. 612) is amended—*

7 *(1) in subsection (a)(1)(B)—*

8 *(A) by striking “The Department” and in-*
9 *serting the following:*

10 *“(i) IN GENERAL.—The Department”;*

11 *and*

12 *(B) by adding at the end the following:*

13 *“(ii) INSPECTOR GENERAL REVIEW.—*

14 *With respect to each grant awarded, the In-*
15 *pector General of the Department may—*

16 *“(I) examine any records of the*
17 *contractor or grantee, any of its sub-*
18 *contractors or subgrantees, or any*
19 *State or local agency or other entity in*
20 *receipt of or administering any grant*
21 *awarded, that pertain to, and involve*
22 *transactions relating to the contract,*
23 *subcontract, grant, or subgrant; and*

24 *“(II) interview any officer or em-*
25 *ployee of the contractor or grantee, any*

1 of its subcontractors or subgrantees, or
2 any State or local agency or other enti-
3 ty in receipt of or administering any
4 grant awarded, regarding transactions
5 relating to the contract, subcontract,
6 grant, or subgrant.

7 “(iii) *RULE OF CONSTRUCTION.*—*Noth-*
8 *ing in clause (ii) may be construed to limit*
9 *or restrict the authority of the Inspector*
10 *General of the Department.*”;

11 (2) *in subsection (b)*—

12 (A) *in paragraph (1)*—

13 (i) *in subparagraph (A)*—

14 (I) *by striking “a grant under*
15 *section 2003 or 2004” and inserting “a*
16 *covered grant, any recipient, includ-*
17 *ing”;*

18 (II) *by inserting a comma after*
19 *“tribe”;* and

20 (III) *by inserting “or the Sec-*
21 *retary, as appropriate under the cov-*
22 *ered grant,” after “Administrator”;*

23 (ii) *in subparagraph (B)*—

1 (I) *in the matter preceding clause*
2 *(i), by inserting “recipient, including*
3 *any” after “for the applicable”;*

4 (II) *in clause (i), by striking “sec-*
5 *tion 2003 or 2004” and inserting “the*
6 *covered grant”;*

7 (III) *in clause (ii)—*

8 (aa) *by striking “section*
9 *2003 or 2004” and inserting “the*
10 *covered grant”;* and

11 (bb) *by striking “and” at the*
12 *end;*

13 (IV) *in clause (iii)—*

14 (aa) *by striking “summary”*
15 *and inserting “detailed”;* and

16 (bb) *by striking “such funds”*
17 *and all that follows through the*
18 *period at the end and inserting*
19 *the following: “such funds, includ-*
20 *ing—*

21 *“(I) the name of the recipient and*
22 *the project or activity;*

23 *“(II) a detailed description of the*
24 *project or activity;*

1 “(III) an evaluation of the com-
2 pletion status of the project or activity;

3 “(IV) in the case of an infrastruc-
4 ture investment—

5 “(aa) the purpose, total ex-
6 pected cost, and rationale for
7 funding the infrastructure invest-
8 ment with funds made available;
9 and

10 “(bb) the name of the point
11 of contact for the recipient if there
12 are questions concerning the in-
13 frastructure investment; and

14 “(V) detailed information from
15 each subgrantee, including the infor-
16 mation described in subparagraphs (I)
17 through (IV), on any subgrant award-
18 ed by the recipient; and”;

19 (V) by adding at the end the fol-
20 lowing:

21 “(iv) the total amount of funds re-
22 ceived to date under each covered grant.”;

23 (iii) in subparagraph (C)—

24 (I) in the matter preceding clause

25 (i)—

1 (aa) by inserting “any re-
2 recipient, including any” after
3 “subparagraph (A) by”;

4 (bb) by inserting a comma
5 after “tribe”; and

6 (cc) by inserting “, in addi-
7 tion to the contents required
8 under subparagraph (B)” after
9 “shall include”;

10 (II) in clause (ii)—

11 (aa) by inserting “total” be-
12 fore “amount”; and

13 (bb) by adding “and” at the
14 end;

15 (III) in clause (iii)—

16 (aa) by striking “apply with-
17 in” and inserting “apply to or
18 within any recipient, including”;
19 and

20 (bb) by striking “; and” and
21 inserting a period; and

22 (IV) by striking clause (iv); and

23 (B) by adding at the end the following:

24 “(3) *REQUIRED REPORTING FOR PRIOR AWARD-*
25 *ED GRANTS.—Not later than 180 days after the end*

1 *of the quarter following the date of enactment of this*
2 *paragraph, each recipient of a covered grant awarded*
3 *before the date of enactment of this paragraph shall*
4 *provide the information required under this sub-*
5 *section and thereafter comply with the requirements*
6 *of this subsection.*

7 “(4) *ASSISTANCE IN REPORTING.*—*The Adminis-*
8 *trator or the Secretary, as appropriate under the cov-*
9 *ered grant, in coordination with the Director of the*
10 *Office of Management and Budget, shall provide for*
11 *user-friendly means for grant recipients to comply*
12 *with the reporting requirements of this subsection.*

13 “(5) *SUBGRANTEE REPORTING.*—*Each grant re-*
14 *recipient required to report information under para-*
15 *graph (1)(B)(iii)(V) shall register with the System for*
16 *Award Management database or complete other reg-*
17 *istration requirements as determined necessary by the*
18 *Director of the Office of Management and Budget.*

19 “(6) *PUBLICATION OF INFORMATION.*—*Not later*
20 *than 7 days after the date on which the Adminis-*
21 *trator or the Secretary, as the case may be, receives*
22 *the reports required to be submitted under this sub-*
23 *section, the Administrator and the Secretary shall*
24 *make the information in the reports publicly avail-*
25 *able, in a searchable database, on the website of the*

1 *Federal Emergency Management Agency or Depart-*
2 *ment, as appropriate.*

3 “(7) *COVERED GRANT DEFINED.*—*In this sub-*
4 *section, the term ‘covered grant’ means a grant*
5 *awarded under—*

6 “(A) *this Act; or*

7 “(B) *a program described in paragraphs*
8 *(1) through (6) of section 2002(b) that is admin-*
9 *istered by the Department.”; and*

10 *(3) by adding at the end the following:*

11 “(d) *SUNSET AND DISPOSITION OF UNEXPENDED*
12 *GRANT AMOUNTS.*—

13 “(1) *IN GENERAL.*—*Except as may be otherwise*
14 *provided in the authorizing statute of a grant pro-*
15 *gram, effective on the date that is 5 years after the*
16 *date on which grant funds are distributed by the Ad-*
17 *ministrator or the Secretary, as appropriate, under a*
18 *covered grant (as defined in subsection (b)(7)), the*
19 *authority of a covered grant recipient, including any*
20 *grantee or subgrantee, to obligate, provide, make*
21 *available, or otherwise expend those funds is termi-*
22 *nated.*

23 “(2) *RETURN OF UNEXPENDED GRANT*
24 *AMOUNTS.*—*Upon the termination of authority under*
25 *paragraph (1), any grant amounts that have not been*

1 *expended shall be returned to the Administrator or*
2 *the Secretary, as the case may be. The Administrator*
3 *or the Secretary, as the case may be, shall deposit any*
4 *grant amounts returned under this paragraph in the*
5 *General Fund of the Treasury in accordance with sec-*
6 *tion 3302 of title 31, United States Code.*

7 “(3) *AWARDS TO RECIPIENTS RETURNING GRANT*
8 *FUNDS.—On and after the date on which the author-*
9 *ity of a covered grant recipient is terminated under*
10 *paragraph (1) with respect to a grant under a cov-*
11 *ered grant program, the Administrator or the Sec-*
12 *retary, as appropriate, may award a grant under the*
13 *covered grant program to the covered grant recipient,*
14 *only pursuant to the submission of a new grant ap-*
15 *plication, in accordance with the requirements of the*
16 *grant program.*

17 “(4) *APPLICABILITY.—This subsection shall*
18 *apply to any grant awarded under a covered grant*
19 *program on or after the date of enactment of this sub-*
20 *section.”.*

21 ***Subtitle B—Communications***

22 ***SEC. 1431. RESPONSIBILITIES OF ASSISTANT DIRECTOR*** 23 ***FOR EMERGENCY COMMUNICATIONS.***

24 (a) *IN GENERAL.—Section 1801(c) of the Homeland*
25 *Security Act of 2002 (6 U.S.C. 571(c)) is amended—*

1 (1) *by striking paragraph (3);*

2 (2) *by redesignating paragraphs (4) through (14)*
3 *as paragraphs (3) through (13), respectively;*

4 (3) *by redesignating paragraph (15) as para-*
5 *graph (16);*

6 (4) *in paragraph (8), as so redesignated, by*
7 *striking “, in cooperation with the National Commu-*
8 *nications System,”;*

9 (5) *in paragraph (11), as so redesignated, by*
10 *striking “Assistant Secretary for Grants and Train-*
11 *ing” and inserting “Administrator of the Federal*
12 *Emergency Management Agency”;*

13 (6) *in paragraph (13), as so redesignated, by*
14 *striking “and” at the end; and*

15 (7) *by inserting after paragraph (13) the fol-*
16 *lowing:*

17 “(14) *administer the Government Emergency*
18 *Telecommunications Service (GETS) and Wireless*
19 *Priority Service (WPS) programs, or successor pro-*
20 *grams;*

21 “(15) *assess the impact of emerging technologies*
22 *on interoperable emergency communications; and”.*

23 (b) *PERFORMANCE OF PREVIOUSLY TRANSFERRED*
24 *FUNCTIONS.—Section 1801(d) of the Homeland Security*
25 *Act of 2002 (6 U.S.C. 571(d)) is amended by—*

1 (1) *striking paragraph (2); and*

2 (2) *redesignating paragraph (3) as paragraph*

3 (2).

4 **SEC. 1432. ANNUAL REPORTING ON ACTIVITIES OF THE**
5 **EMERGENCY COMMUNICATIONS DIVISION.**

6 *Section 1801(f) of the Homeland Security Act of 2002*
7 *(6 U.S.C. 571(f)) is amended to read as follows:*

8 “(f) *ANNUAL REPORTING OF DIVISION ACTIVITIES.—*

9 *The Assistant Director for Emergency Communications*
10 *shall, not later than 1 year after the date of the enactment*
11 *of this subsection and annually thereafter for each of the*
12 *next 4 years, report to the Committee on Homeland Secu-*
13 *rity and the Committee on Energy and Commerce of the*
14 *House of Representatives and the Committee on Homeland*
15 *Security and Governmental Affairs of the Senate on the ac-*
16 *tivities and programs of the Emergency Communications*
17 *Division, including specific information on efforts to carry*
18 *out paragraphs (3), (4), and (5) of subsection (c).”.*

19 **SEC. 1433. NATIONAL EMERGENCY COMMUNICATIONS**
20 **PLAN.**

21 *Section 1802 of the Homeland Security Act of 2002*
22 *(6 U.S.C. 572) is amended—*

23 (1) *in subsection (a), in the matter preceding*
24 *paragraph (1)—*

1 (A) by striking “, and in cooperation with
2 the Department of National Communications
3 System (as appropriate),”; and

4 (B) by inserting “, but not less than once
5 every 5 years,” after “periodically”; and

6 (2) in subsection (c)—

7 (A) by redesignating paragraphs (3)
8 through (10) as paragraphs (4) through (11), re-
9 spectively; and

10 (B) by inserting after paragraph (2) the fol-
11 lowing new paragraph:

12 “(3) consider the impact of emerging technologies
13 on the attainment of interoperable emergency commu-
14 nications;”.

15 **SEC. 1434. TECHNICAL EDIT.**

16 Section 1804(b)(1) of the Homeland Security Act of
17 2002 (6 U.S.C. 574(b)(1)) is amended, in the matter pre-
18 ceding subparagraph (A), by striking “Assistant Secretary
19 for Grants and Planning” and inserting “Administrator of
20 the Federal Emergency Management Agency”.

21 **SEC. 1435. COMMUNICATIONS TRAINING.**

22 The Under Secretary for Management of the Depart-
23 ment of Homeland Security, in coordination with the ap-
24 propriate component heads, shall develop a mechanism,
25 consistent with the strategy required pursuant to section 4

1 of the Department of Homeland Security Interoperable
2 Communications Act (Public Law 114–29; 6 U.S.C. 194
3 note), to verify that radio users within the Department re-
4 ceive initial and ongoing training on the use of the radio
5 systems of such components, including interagency radio
6 use protocols.

7 **Subtitle C—Other Matters**

8 **SEC. 1451. TECHNICAL AND CONFORMING AMENDMENTS.**

9 (a) *TITLE V.—Title V of the Homeland Security Act*
10 *of 2002 (6 U.S.C. 311 et seq.) is amended as follows:*

11 (1) *In section 501 (6 U.S.C. 311)—*

12 (A) *by redesignating paragraphs (9)*
13 *through (14) as paragraphs (10) through (15),*
14 *respectively; and*

15 (B) *by inserting after paragraph (8) the fol-*
16 *lowing new paragraph:*

17 “(9) *the term ‘Nuclear Incident Response Team’*
18 *means a resource that includes—*

19 (A) *those entities of the Department of En-*
20 *ergy that perform nuclear or radiological emer-*
21 *gency support functions (including accident re-*
22 *sponse, search response, advisory, and technical*
23 *operations functions), radiation exposure func-*
24 *tions at the medical assistance facility known as*
25 *the Radiation Emergency Assistance Center/*

1 *Training Site (REAC/TS), radiological assist-*
2 *ance functions, and related functions; and*

3 *“(B) those entities of the Environmental*
4 *Protection Agency that perform such support*
5 *functions (including radiological emergency re-*
6 *sponse functions) and related functions.”.*

7 *(2) By striking section 502 (6 U.S.C. 312).*

8 *(3) In section 504(a)(3)(B) (6 U.S.C.*
9 *314(a)(3)(B)), by striking “, the National Disaster*
10 *Medical System,”.*

11 *(4) In section 506 (6 U.S.C. 316)—*

12 *(A) by striking subsection (b);*

13 *(B) by redesignating subsections (c) and (d)*
14 *as subsections (b) and (c) respectively; and*

15 *(C) in subsection (b), as so redesignated, by*
16 *striking “section 708” each place it appears and*
17 *inserting “section 707”.*

18 *(5) In section 509(c)(2) (6 U.S.C. 319(c)(2)), in*
19 *the matter preceding subparagraph (A), by striking*
20 *“section 708” and inserting “section 707”.*

21 *(b) TITLE XX.—Title XX of the Homeland Security*
22 *Act of 2002 (6 U.S.C. 601 et seq.) is amended—*

23 *(1) in section 2001 (6 U.S.C. 601)—*

24 *(A) by striking paragraph (13);*

1 (B) by redesignating paragraphs (3)
2 through (12) as paragraphs (4) through (13), re-
3 spectively; and

4 (C) by inserting after paragraph (2) the fol-
5 lowing:

6 “(3) *CORE CAPABILITIES*.—The term ‘core capa-
7 bilities’ means the capabilities for Federal, State,
8 local, and tribal government preparedness for which
9 guidelines are required to be established under section
10 646(a) of the *Post-Katrina Emergency Management*
11 *Reform Act of 2006* (6 U.S.C. 746(a).”;

12 (2) in section 2005(j)(1) (6 U.S.C. 606(j)(1)), by
13 striking “target” and inserting “core”; and

14 (3) in section 2021(d)(3) (6 U.S.C. 611(d)(3)),
15 by striking “target” each place it appears and insert-
16 ing “core”.

17 (c) *IMPLEMENTING RECOMMENDATIONS OF THE 9/11*
18 *COMMISSION ACT OF 2007*.—Section 1204 of the *Imple-*
19 *menting Recommendations of the 9/11 Commission Act of*
20 *2007* (6 U.S.C. 1102) is amended—

21 (1) in subsection (b)(4), by striking “Rescue”
22 and inserting “Recovery”;

23 (2) in subsection (d)(2), by striking “Rescue”
24 and inserting “Recovery”; and

1 (3) in subsection (e)(4), by striking “Rescue”
2 and inserting “Recovery”.

3 **TITLE V—FEDERAL EMERGENCY**
4 **MANAGEMENT AGENCY**

5 **SEC. 1501. SHORT TITLE.**

6 This title may be cited as the “FEMA Reauthorization
7 Act of 2018”.

8 **SEC. 1502. REAUTHORIZATION OF FEDERAL EMERGENCY**
9 **MANAGEMENT AGENCY.**

10 Section 699 of the Post-Katrina Emergency Manage-
11 ment Reform Act of 2006 (6 U.S.C. 811) is amended—

12 (1) by striking “administration and operations”
13 each place the term appears and inserting “manage-
14 ment and administration”;

15 (2) in paragraph (2), by striking “; and”;

16 (3) in paragraph (3), by striking the period at
17 the end and inserting “; and”; and

18 (4) by adding at the end the following:

19 “(4) for fiscal year 2018, \$1,049,000,000;

20 “(5) for fiscal year 2019, \$1,065,784,000; and

21 “(6) for fiscal year 2020, \$1,082,836,544.”.

1 **SEC. 1503. NATIONAL DOMESTIC PREPAREDNESS CONSOR-**
2 **TIUM.**

3 *Section 1204 of the Implementing Recommendations*
4 *of the 9/11 Commission Act of 2007 (6 U.S.C. 1102) is*
5 *amended—*

6 *(1) in subsection (c), by inserting “to the extent*
7 *practicable, provide training in settings that simulate*
8 *real response environments, such as urban areas,”*
9 *after “levels,”;*

10 *(2) in subsection (d), by striking paragraphs (1)*
11 *and (2) and inserting the following:*

12 *“(1) for the Center for Domestic Preparedness—*

13 *“(A) \$63,939,000 for fiscal year 2018;*

14 *“(B) \$64,962,024 for fiscal year 2019; and*

15 *“(C) \$66,001,416 for fiscal year 2020; and*

16 *“(2) for the members of the National Domestic*
17 *Preparedness Consortium described in paragraphs (2)*
18 *through (7) of subsection (b)—*

19 *“(A) \$101,000,000 for fiscal year 2018;*

20 *“(B) \$102,606,000 for fiscal year 2019; and*

21 *“(C) \$104,247,856 for fiscal year 2020.”;*

22 *and*

23 *(3) in subsection (e)—*

24 *(A) by striking “each of the following enti-*
25 *ties” and inserting “members of the National*

1 *Domestic Preparedness Consortium enumerated*
2 *in subsection (b)”;*

3 *(B) by striking “2007—” and inserting*
4 *“2015.” and*

5 *(C) by striking paragraphs (1) through (5).*

6 **SEC. 1504. RURAL DOMESTIC PREPAREDNESS CONSOR-**
7 **TIUM.**

8 *(a) IN GENERAL.—The Secretary of Homeland Secu-*
9 *rity is authorized to establish a Rural Domestic Prepared-*
10 *ness Consortium within the Department of Homeland Secu-*
11 *rity consisting of universities and nonprofit organizations*
12 *qualified to provide training to emergency response pro-*
13 *viders (as defined in section 2 of the Homeland Security*
14 *Act of 2002 (6 U.S.C. 101)) from rural communities (as*
15 *defined by the Federal Emergency Management Agency).*

16 *(b) DUTIES.—The Rural Domestic Preparedness Con-*
17 *sortium authorized under subsection (a) shall identify, de-*
18 *velop, test, and deliver training to State, local, and tribal*
19 *emergency response providers from rural communities, pro-*
20 *vide on-site and mobile training, and facilitate the delivery*
21 *of training by the training partners of the Department of*
22 *Homeland Security.*

23 *(c) AUTHORIZATION OF APPROPRIATIONS.—Of*
24 *amounts appropriated for Continuing Training Grants of*
25 *the Department of Homeland Security, \$5,000,000 is au-*

1 *thorized to be used for the Rural Domestic Preparedness*
2 *Consortium authorized under subsection (a).*

3 **SEC. 1505. CENTER FOR FAITH-BASED AND NEIGHBORHOOD**
4 **PARTNERSHIPS.**

5 *(a) IN GENERAL.—Title V of the Homeland Security*
6 *Act of 2002 (6 U.S.C. 311 et seq.), as amended by section*
7 *1420 of this Act, is amended by adding at the end the fol-*
8 *lowing:*

9 **“SEC. 530. CENTER FOR FAITH-BASED AND NEIGHBORHOOD**
10 **PARTNERSHIPS.**

11 *“(a) IN GENERAL.—There is established in the Agency*
12 *a Center for Faith-Based and Neighborhood Partnerships,*
13 *headed by a Director appointed by the Secretary.*

14 *“(b) MISSION.—The mission of the Center shall be to*
15 *develop and coordinate departmental outreach efforts with*
16 *faith-based and community organizations and serve as a*
17 *liaison between those organizations and components of the*
18 *Department for activities related to securing facilities,*
19 *emergency preparedness and response, and combating*
20 *human trafficking.*

21 *“(c) RESPONSIBILITIES.—In support of the mission of*
22 *the Center for Faith-Based and Neighborhood Partnerships,*
23 *the Director shall—*

1 “(1) develop exercises that engage faith-based
2 and community organizations to test capabilities for
3 all hazards, including active shooter incidents;

4 “(2) coordinate the delivery of guidance and
5 training to faith-based and community organizations
6 related to securing their facilities against natural dis-
7 asters, acts of terrorism, and other man-made disas-
8 ters;

9 “(3) conduct outreach to faith-based and commu-
10 nity organizations regarding guidance, training, and
11 exercises and departmental capabilities available to
12 assist faith-based and community organizations to se-
13 cure their facilities against natural disasters, acts of
14 terrorism, and other man-made disasters;

15 “(4) facilitate engagement and coordination
16 among the emergency management community and
17 faith-based and community organizations;

18 “(5) deliver training and technical assistance to
19 faith-based and community organizations and pro-
20 vide subject-matter expertise related to anti-human
21 trafficking efforts to help communities successfully
22 partner with other components of the Blue Campaign
23 of the Department; and

24 “(6) perform any other duties as assigned by the
25 Administrator.”.

1 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
2 *section 1(b) of the Homeland Security Act of 2002 (Public*
3 *Law 107–296; 116 Stat. 2135), as amended by section 1420,*
4 *is amended by inserting after the item relating to section*
5 *529 the following:*

“*Sec. 530. Center For Faith-Based And Neighborhood Partnerships.*”.

6 **SEC. 1506. EMERGENCY SUPPORT FUNCTIONS.**

7 (a) *UPDATE.*—*Section 504(a)(13) of the Homeland Se-*
8 *curity Act of 2002 (6 U.S.C. 314(a)(13)) is amended by*
9 *inserting “, periodically updating (but not less often than*
10 *once every 5 years),” after “administering”.*

11 (b) *EMERGENCY SUPPORT FUNCTIONS.*—*Section 653*
12 *of the Post-Katrina Emergency Management Reform Act of*
13 *2006 (6 U.S.C. 753) is amended—*

14 (1) *by redesignating subsections (d) and (e) as*
15 *subsections (e) and (f), respectively; and*

16 (2) *by inserting after subsection (c) the fol-*
17 *lowing:*

18 “(d) *COORDINATION.*—*The President, acting through*
19 *the Administrator, shall develop and provide to Federal de-*
20 *partments and agencies with coordinating, primary, or*
21 *supporting responsibilities under the National Response*
22 *Framework performance metrics to ensure readiness to exe-*
23 *cute responsibilities under the emergency support functions*
24 *of the National Response Framework.*”.

1 **SEC. 1507. REVIEW OF NATIONAL INCIDENT MANAGEMENT**
2 **SYSTEM.**

3 *Section 509(b)(2) of the Homeland Security Act of*
4 *2002 (6 U.S.C. 319(b)(2)) is amended, in the matter pre-*
5 *ceding subparagraph (A), by inserting “, but not less often*
6 *than once every 5 years,” after “periodically”.*

7 **SEC. 1508. REMEDIAL ACTION MANAGEMENT PROGRAM.**

8 *Section 650 of the Post-Katrina Emergency Manage-*
9 *ment Reform Act of 2006 (6 U.S.C. 750) is amended to*
10 *read as follows:*

11 **“SEC. 650. REMEDIAL ACTION MANAGEMENT PROGRAM.**

12 *“(a) IN GENERAL.—The Administrator, in coordina-*
13 *tion with the National Council on Disability and the Na-*
14 *tional Advisory Council, shall establish a remedial action*
15 *management program to—*

16 *“(1) analyze training, exercises, and real world*
17 *events to identify lessons learned, corrective actions,*
18 *and best practices;*

19 *“(2) generate and disseminate, as appropriate,*
20 *the lessons learned, corrective actions, and best prac-*
21 *tices described in paragraph (1); and*

22 *“(3) conduct remedial action tracking and long-*
23 *term trend analysis.*

24 *“(b) FEDERAL CORRECTIVE ACTIONS.—The Adminis-*
25 *trator, in coordination with the heads of appropriate Fed-*
26 *eral departments and agencies, shall—*

1 “(1) utilize the program established under sub-
2 section (a) to collect information on corrective actions
3 identified by such Federal departments and agencies
4 during exercises and the response to natural disasters,
5 acts of terrorism, and other man-made disasters; and

6 “(2) not later than 1 year after the date of the
7 enactment of the FEMA Reauthorization Act of 2018
8 and annually thereafter for each of the next 4 years,
9 submit to Congress a report on the status of those cor-
10 rective actions.

11 “(c) *DISSEMINATION OF AFTER ACTION REPORTS.*—
12 *The Administrator shall provide electronically, to the max-*
13 *imum extent practicable, to Congress and Federal, State,*
14 *local, tribal, and private sector officials after-action reports*
15 *and information on lessons learned and best practices from*
16 *responses to acts of terrorism, natural disasters, capstone*
17 *exercises conducted under the national exercise program*
18 *under section 648(b), and other emergencies or exercises.”.*

19 **SEC. 1509. CENTER FOR DOMESTIC PREPAREDNESS.**

20 *The Administrator of the Federal Emergency Manage-*
21 *ment Agency shall—*

22 (1) *develop an implementation plan, including*
23 *benchmarks and milestones, to address the findings*
24 *and recommendations of the 2017 Management Re-*
25 *view Team that issued a report on May 8, 2017, re-*

1 *garding live agent training at the Chemical, Ord-*
2 *nance, Biological and Radiological Training Facility;*
3 *and*

4 *(2) provide to the Committee on Homeland Secu-*
5 *rity and the Committee on Transportation and Infra-*
6 *structure of the House of Representatives and the*
7 *Committee on Homeland Security and Governmental*
8 *Affairs of the Senate updates and information on ef-*
9 *forts to implement recommendations related to the*
10 *management review of the Chemical, Ordnance, Bio-*
11 *logical, and Radiological Training Facility of the*
12 *Center for Domestic Preparedness of the Federal*
13 *Emergency Management Agency, including, as nec-*
14 *essary, information on additional resources or author-*
15 *ity needed to implement such recommendations.*

16 **SEC. 1510. FEMA SENIOR LAW ENFORCEMENT ADVISOR.**

17 *(a) IN GENERAL.—Title V of the Homeland Security*
18 *Act of 2002 (6 U.S.C. 311 et seq.), as amended by section*
19 *1505 of this Act, is amended by adding at the end the fol-*
20 *lowing:*

21 **“SEC. 531. SENIOR LAW ENFORCEMENT ADVISOR.**

22 *“(a) ESTABLISHMENT.—The Administrator shall ap-*
23 *point a Senior Law Enforcement Advisor to serve as a*
24 *qualified expert to the Administrator for the purpose of*

1 *strengthening the Agency’s coordination among State, local,*
2 *and tribal law enforcement.*

3 “(b) *QUALIFICATIONS.—The Senior Law Enforcement*
4 *Advisor shall have an appropriate background with experi-*
5 *ence in law enforcement, information sharing, and other*
6 *emergency response functions.*

7 “(c) *RESPONSIBILITIES.—The Senior Law Enforce-*
8 *ment Advisor shall—*

9 “(1) *coordinate on behalf of the Administrator*
10 *with the Office for State and Local Law Enforcement*
11 *under section 2006 for the purpose of ensuring State,*
12 *local, and tribal law enforcement receive consistent*
13 *and appropriate consideration in policies, guidance,*
14 *training, and exercises related to preventing, pre-*
15 *paring for, protecting against, and responding to nat-*
16 *ural disasters, acts of terrorism, and other man-made*
17 *disasters within the United States;*

18 “(2) *work with the Administrator and the Office*
19 *for State and Local Law Enforcement under section*
20 *2006 to ensure grants to State, local, and tribal gov-*
21 *ernment agencies, including programs under sections*
22 *2003, 2004, and 2006(a), appropriately focus on ter-*
23 *rorism prevention activities; and*

24 “(3) *serve other appropriate functions as deter-*
25 *mined by the Administrator.”*

1 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
2 *section 1(b) of the Homeland Security Act of 2002 (Public*
3 *Law 107–296; 116 Stat. 2135), as amended by section 1505,*
4 *is amended by inserting after the item relating to section*
5 *530 the following:*

“Sec. 531. Senior Law Enforcement Advisor.”.

6 **SEC. 1511. TECHNICAL EXPERT AUTHORIZED.**

7 Section 503(b)(2) of the Homeland Security Act of
8 2002 (6 U.S.C. 313(b)(2)) is amended—

9 (1) in subparagraph (G), by striking “and” at
10 the end;

11 (2) in subparagraph (H), by striking the period
12 at the end and inserting “; and”; and

13 (3) by adding at the end the following:

14 *“(I) identify and integrate the needs of chil-*
15 *dren into activities to prepare for, protect*
16 *against, respond to, recover from, and mitigate*
17 *against natural disasters, acts of terrorism, and*
18 *other man-made disasters, including catastrophic*
19 *incidents, including by appointing a technical*
20 *expert, who may consult with relevant outside*
21 *organizations and experts, as necessary, to co-*
22 *ordinate such activities, as necessary.”.*

23 **SEC. 1512. MISSION SUPPORT.**

24 (a) *ESTABLISHMENT.*—*The Administrator of the Fed-*
25 *eral Emergency Management Agency shall designate an in-*

1 *dividual to serve as the chief management official and prin-*
2 *cipal advisor to the Administrator on matters related to*
3 *the management of the Federal Emergency Management*
4 *Agency, including management integration in support of*
5 *emergency management operations and programs.*

6 (b) *MISSION AND RESPONSIBILITIES.—The Adminis-*
7 *trator of the Federal Emergency Management Agency, act-*
8 *ing through the official designated pursuant to subsection*
9 *(a), shall be responsible for the management and adminis-*
10 *tration of the Federal Emergency Management Agency, in-*
11 *cluding with respect to the following:*

12 (1) *Procurement.*

13 (2) *Human resources and personnel.*

14 (3) *Information technology and communications*
15 *systems.*

16 (4) *Real property investment and planning, fa-*
17 *ilities, accountable personal property (including fleet*
18 *and other material resources), records and disclosure,*
19 *privacy, safety and health, and sustainability and en-*
20 *vironmental management.*

21 (5) *Security for personnel, information tech-*
22 *nology and communications systems, facilities, prop-*
23 *erty, equipment, and other material resources.*

24 (6) *Any other management duties that the Ad-*
25 *ministrator may designate.*

1 (c) *MOUNT WEATHER EMERGENCY OPERATIONS AND*
2 *ASSOCIATED FACILITIES.*—*Nothing in this section shall be*
3 *construed as limiting or otherwise affecting the role or re-*
4 *sponsibility of the Assistant Administrator for National*
5 *Continuity Programs with respect to the matters described*
6 *in subsection (b) as such matters relate to the Mount Weath-*
7 *er Emergency Operations Center and associated facilities.*
8 *The management and administration of the Mount Weather*
9 *Emergency Operations Center and associated facilities re-*
10 *main the responsibility of the Assistant Administrator for*
11 *National Continuity Programs.*

12 (d) *REPORT.*—*Not later than 270 days after the date*
13 *of enactment of this Act, the Administrator of the Federal*
14 *Emergency Management Agency shall submit to the Com-*
15 *mittee on Homeland Security and the Committee on Trans-*
16 *portation and Infrastructure of the House of Representa-*
17 *tives and the Committee on Homeland Security and Gov-*
18 *ernmental Affairs of the Senate a report that includes—*

19 (1) *a review of financial, human capital, infor-*
20 *mation technology, real property planning, and ac-*
21 *quisition management of headquarters and all re-*
22 *gional offices of the Federal Emergency Management*
23 *Agency; and*

1 (2) a strategy for capturing financial, human
2 capital, information technology, real property plan-
3 ning, and acquisition data.

4 **SEC. 1513. STRATEGIC HUMAN CAPITAL PLAN.**

5 Section 10102(c) of title 5, United States Code, is
6 amended by striking “2007” and inserting “2018”.

7 **SEC. 1514. OFFICE OF DISABILITY INTEGRATION AND CO-**
8 **ORDINATION OF DEPARTMENT OF HOME-**
9 **LAND SECURITY.**

10 (a) *OFFICE OF DISABILITY INTEGRATION AND COORDI-*
11 *NATION.*—

12 (1) *IN GENERAL.*—Section 513 of the Homeland
13 Security Act of 2002 (6 U.S.C. 321b) is amended to
14 read as follows:

15 **“SEC. 513. OFFICE OF DISABILITY INTEGRATION AND CO-**
16 **ORDINATION.**

17 “(a) *IN GENERAL.*—There is established within the
18 Agency an Office of Disability Integration and Coordina-
19 tion (in this section referred to as the ‘Office’), which shall
20 be headed by a Director.

21 “(b) *MISSION.*—The mission of the Office is to ensure
22 that individuals with disabilities and other access and func-
23 tional needs are included in emergency management activi-
24 ties throughout the Agency by providing guidance, tools,

1 *methods, and strategies for the purpose of equal physical*
2 *program and effective communication access.*

3 “(c) *RESPONSIBILITIES.—In support of the mission of*
4 *the Office, the Director shall—*

5 “(1) *provide guidance and coordination on mat-*
6 *ters related to individuals with disabilities in emer-*
7 *gency planning requirements and relief efforts in the*
8 *event of a natural disaster, act of terrorism, or other*
9 *man-made disaster;*

10 “(2) *oversee Office employees responsible for dis-*
11 *ability integration in each regional office with respect*
12 *to carrying out the mission of the Office;*

13 “(3) *liaise with other employees of the Agency,*
14 *including nonpermanent employees, organizations*
15 *representing individuals with disabilities, other agen-*
16 *cies of the Federal Government, and State, local, and*
17 *tribal government authorities regarding the needs of*
18 *individuals with disabilities in emergency planning*
19 *requirements and relief efforts in the event of a nat-*
20 *ural disaster, act of terrorism, or other man-made*
21 *disaster;*

22 “(4) *coordinate with the technical expert on the*
23 *needs of children within the Agency to provide guid-*
24 *ance and coordination on matters related to children*
25 *with disabilities in emergency planning requirements*

1 *and relief efforts in the event of a natural disaster,*
2 *act of terrorism, or other man-made disaster;*

3 “(5) *consult with organizations representing in-*
4 *dividuals with disabilities about access and func-*
5 *tional needs in emergency planning requirements and*
6 *relief efforts in the event of a natural disaster, act of*
7 *terrorism, or other man-made disaster;*

8 “(6) *ensure the coordination and dissemination*
9 *of best practices and model evacuation plans for indi-*
10 *viduals with disabilities;*

11 “(7) *collaborate with Agency leadership respon-*
12 *sible for training to ensure that qualified experts de-*
13 *velop easily accessible training materials and a cur-*
14 *riculum for the training of emergency response pro-*
15 *viders, State, local, and tribal government officials,*
16 *and others on the needs of individuals with disabili-*
17 *ties;*

18 “(8) *coordinate with the Emergency Management*
19 *Institute, the Center for Domestic Preparedness, Cen-*
20 *ter for Homeland Defense and Security, the United*
21 *States Fire Administration, the national exercise pro-*
22 *gram described in section 648(b) of the Post-Katrina*
23 *Emergency Management Reform Act of 2006 (6*
24 *U.S.C. 748(b)), and the National Domestic Prepared-*
25 *ness Consortium to ensure that content related to per-*

1 *sons with disabilities, access and functional needs,*
2 *and children are integrated into existing and future*
3 *emergency management trainings;*

4 *“(9) promote the accessibility of telephone hot-*
5 *lines and websites regarding emergency preparedness,*
6 *evacuations, and disaster relief;*

7 *“(10) work to ensure that video programming*
8 *distributors, including broadcasters, cable operators,*
9 *and satellite television services, make emergency in-*
10 *formation accessible to individuals with hearing and*
11 *vision disabilities;*

12 *“(11) ensure the availability of accessible trans-*
13 *portation options for individuals with disabilities in*
14 *the event of an evacuation;*

15 *“(12) provide guidance and implement policies*
16 *to ensure that the rights and feedback of individuals*
17 *with disabilities regarding post-evacuation residency*
18 *and relocation are respected;*

19 *“(13) ensure that meeting the needs of individ-*
20 *uals with disabilities are included in the components*
21 *of the national preparedness system established under*
22 *section 644 of the Post-Katrina Emergency Manage-*
23 *ment Reform Act of 2006 (6 U.S.C. 744); and*

24 *“(14) perform any other duties as assigned by*
25 *the Administrator.*

1 “(d) *DIRECTOR*.—After consultation with organiza-
2 tions representing individuals with disabilities, the Admin-
3 istrator shall appoint a Director. The Director shall report
4 directly to the Administrator, in order to ensure that the
5 needs of individuals with disabilities are being properly ad-
6 dressed in emergency preparedness and disaster relief.

7 “(e) *ORGANIZATIONS REPRESENTING INDIVIDUALS*
8 *WITH DISABILITIES DEFINED*.—For purposes of this sec-
9 tion, the term ‘organizations representing individuals with
10 disabilities’ means the National Council on Disabilities, the
11 Interagency Coordinating Council on Preparedness and In-
12 dividuals with Disabilities, and other appropriate dis-
13 ability organizations.”.

14 (2) *CLERICAL AMENDMENT*.—The table of con-
15 tents in section 1(b) of the Homeland Security Act of
16 2002 (Public Law 107–296; 116 Stat. 2135) is
17 amended by striking the item relating to section 513
18 and inserting the following:

“513. *Office of Disability Integration and Coordination*.”.

19 “(b) *REPORT TO CONGRESS*.—Not later than 120 days
20 after the date of the enactment of this Act, the Adminis-
21 trator of the Federal Emergency Management Agency shall
22 submit to Congress a report on the funding and staffing
23 needs of the Office of Disability Integration and Coordina-
24 tion under section 513 of the Homeland Security Act of
25 2002, as amended by subsection (a).

1 **SEC. 1515. MANAGEMENT COSTS.**

2 *Section 324 of the Robert T. Stafford Disaster Relief*
3 *and Emergency Assistance Act (42 U.S.C. 5165b) is amend-*
4 *ed—*

5 *(1) in subsection (a), by striking “any adminis-*
6 *trative expense, and any other expense not directly*
7 *chargeable to” and inserting “direct administrative*
8 *cost, and any other administrative expense associated*
9 *with”; and*

10 *(2) in subsection (b)—*

11 *(A) by striking “Notwithstanding” and in-*
12 *serting the following:*

13 *“(1) IN GENERAL.—Notwithstanding”;*

14 *(B) in paragraph (1), as so designated, by*
15 *striking “establish” and inserting “implement”;*
16 *and*

17 *(C) by adding at the end the following:*

18 *“(2) SPECIFIC MANAGEMENT COSTS.—The Ad-*
19 *ministrator shall provide for management costs, in*
20 *addition to the eligible project costs, to cover direct*
21 *and indirect costs of administering the following pro-*
22 *grams:*

23 *“(A) HAZARD MITIGATION.—A grantee*
24 *under section 404 may be reimbursed for direct*
25 *and indirect administrative costs in a total*
26 *amount of not more than 15 percent of the total*

1 *amount of the grant award under such section of*
2 *which not more than 10 percent may be used by*
3 *the grantee and 5 percent by the subgrantee for*
4 *such costs.*

5 “(B) *PUBLIC ASSISTANCE.—A grantee*
6 *under sections 403, 406, 407, and 502 may be*
7 *reimbursed direct and indirect administrative*
8 *costs in a total amount of not more than 12 per-*
9 *cent of the total award amount under such sec-*
10 *tions, of which not more than 7 percent may be*
11 *used by the grantee and 5 percent by the sub-*
12 *grantee for such costs.”.*

13 **SEC. 1516. PERFORMANCE OF SERVICES.**

14 *Section 306 of the Robert T. Stafford Disaster Relief*
15 *and Emergency Assistance Act (42 U.S.C. 5149) is amend-*
16 *ed by adding at the end the following:*

17 “(c) *The Administrator of the Federal Emergency*
18 *Management Agency may appoint temporary personnel,*
19 *after serving continuously for 3 years, to positions in the*
20 *Federal Emergency Management Agency in the same man-*
21 *ner that competitive service employees with competitive sta-*
22 *tus are considered for transfer, reassignment, or promotion*
23 *to such positions. An individual appointed under this sub-*
24 *section shall become a career-conditional employee, unless*

1 *the employee has already completed the service requirements*
2 *for career tenure.”.*

3 **SEC. 1517. STUDY TO STREAMLINE AND CONSOLIDATE IN-**
4 **FORMATION COLLECTION.**

5 *Not later than 1 year after the date of enactment of*
6 *this Act, the Administrator of the Federal Emergency Man-*
7 *agement Agency shall—*

8 *(1) in coordination with the Small Business Ad-*
9 *ministration, the Department of Housing and Urban*
10 *Development, and other appropriate agencies, conduct*
11 *a study and develop a plan, consistent with law,*
12 *under which the collection of information from dis-*
13 *aster assistance applicants and grantees will be modi-*
14 *fied, streamlined, expedited, consolidated, and sim-*
15 *plified to be less burdensome, duplicative, and time*
16 *consuming, and more efficient and flexible, for appli-*
17 *cants and grantees;*

18 *(2) in coordination with the Small Business Ad-*
19 *ministration, the Department of Housing and Urban*
20 *Development, and other appropriate agencies, develop*
21 *a plan for the regular collection and reporting of in-*
22 *formation on Federal disaster assistance awarded, in-*
23 *cluding the establishment and maintenance of a*
24 *website for presenting the information to the public;*
25 *and*

1 (3) submit to the Committee on Transportation
2 and Infrastructure of the House of Representatives
3 and the Committee on Homeland Security and Gov-
4 ernmental Affairs of the Senate—

5 (A) the plans developed under paragraphs
6 (1) and (2); and

7 (B) recommendations, if any, of the Admin-
8 istrator for legislative changes to streamline or
9 consolidate the collection or reporting of infor-
10 mation, as described in paragraphs (1) and (2).

11 **SEC. 1518. AGENCY ACCOUNTABILITY.**

12 Title IV of the Robert T. Stafford Disaster Relief and
13 Emergency Assistance Act (42 U.S.C. 5170 et seq.) is
14 amended by adding at the end the following:

15 **“SEC. 430. AGENCY ACCOUNTABILITY.**

16 “(a) PUBLIC ASSISTANCE.—Not later than 5 days
17 after the date on which an award of a public assistance
18 grant is made under section 406 that is in excess of
19 \$1,000,000, the Administrator of the Federal Emergency
20 Management Agency (referred to in this section as the ‘Ad-
21 ministrators’) shall publish on the website of the Federal
22 Emergency Management Agency (referred to in this section
23 as the ‘Agency’) the specifics of each such grant award, in-
24 cluding identifying—

1 “(1) *the Federal Emergency Management Agency*
2 *Region;*

3 “(2) *the major disaster or emergency declaration*
4 *number;*

5 “(3) *the State, county, and applicant name;*

6 “(4) *if the applicant is a private nonprofit orga-*
7 *nization;*

8 “(5) *the damage category code;*

9 “(6) *the amount of the Federal share obligated;*
10 *and*

11 “(7) *the date of the award.*

12 “(b) *MISSION ASSIGNMENTS.—*

13 “(1) *IN GENERAL.—Not later than 5 days after*
14 *the date on which a mission assignment or mission*
15 *assignment task order is issued under section 402(1)*
16 *or section 502(a)(1), the Administrator shall publish*
17 *on the website of the Agency any mission assignment*
18 *or mission assignment task order to another Federal*
19 *department or agency regarding a major disaster in*
20 *excess of \$1,000,000, including—*

21 “(A) *the name of the impacted State or In-*
22 *dian tribe;*

23 “(B) *the major disaster declaration for such*
24 *State or Indian tribe;*

25 “(C) *the assigned agency;*

1 “(D) the assistance requested;

2 “(E) a description of the major disaster;

3 “(F) the total cost estimate;

4 “(G) the amount obligated;

5 “(H) the State or tribal cost share, if appli-
6 cable;

7 “(I) the authority under which the mission
8 assignment or mission assignment task order
9 was directed; and

10 “(J) if applicable, the date on which a
11 State or Indian tribe requested the mission as-
12 signment.

13 “(2) *RECORDING CHANGES*.—Not later than 10
14 days after the last day of each month until a mission
15 assignment or mission assignment task order de-
16 scribed in paragraph (1) is completed and closed out,
17 the Administrator shall update any changes to the
18 total cost estimate and the amount obligated.

19 “(c) *DISASTER RELIEF MONTHLY REPORT*.—Not later
20 than 10 days after the first day of each month, the Adminis-
21 trator shall publish reports on the website of the Agency,
22 including a specific description of the methodology and the
23 source data used in developing such reports, including—

24 “(1) an estimate of the amounts for the fiscal
25 year covered by the President’s most recent budget

1 *pursuant to section 1105(a) of title 31, United States*
2 *Code, including—*

3 “(A) *the unobligated balance of funds to be*
4 *carried over from the prior fiscal year to the*
5 *budget year;*

6 “(B) *the unobligated balance of funds to be*
7 *carried over from the budget year to the year*
8 *after the budget year;*

9 “(C) *the amount of obligations for noncata-*
10 *strophic events for the budget year;*

11 “(D) *the amount of obligations for the budg-*
12 *et year for catastrophic events, as defined under*
13 *the National Response Framework, delineated by*
14 *event and by State;*

15 “(E) *the total amount that has been pre-*
16 *viously obligated or will be required for cata-*
17 *strophic events delineated by event and by State*
18 *for all prior years, the current fiscal year, the*
19 *budget year, and each fiscal year thereafter;*

20 “(F) *the amount of previously obligated*
21 *funds that will be recovered for the budget year;*

22 “(G) *the amount that will be required for*
23 *obligations for emergencies, major disasters, fire*
24 *management assistance grants, as described in*

1 *section 420, surge activities, and disaster readi-*
2 *ness and support activities; and*

3 *“(H) the amount required for activities not*
4 *covered under section 251(b)(2)(D)(iii) of the*
5 *Balanced Budget and Emergency Deficit Control*
6 *Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii));*

7 *“(2) a summary of the amount for disaster relief*
8 *of—*

9 *“(A) appropriations made available by*
10 *source;*

11 *“(B) the transfers executed;*

12 *“(C) the previously allocated funds recov-*
13 *ered; and*

14 *“(D) the commitments, allocations, and ob-*
15 *ligations made;*

16 *“(3) a table of disaster relief activity delineated*
17 *by month, including—*

18 *“(A) the beginning and ending balances;*

19 *“(B) the total obligations to include*
20 *amounts obligated for fire assistance, emer-*
21 *gencies, surge, and disaster support activities;*

22 *“(C) the obligations for catastrophic events*
23 *delineated by event and by State; and*

24 *“(D) the amount of previously obligated*
25 *funds that are recovered;*

1 “(4) a summary of allocations, obligations, and
2 expenditures for catastrophic events delineated by
3 event;

4 “(5) the cost with respect to—

5 “(A) public assistance;

6 “(B) individual assistance;

7 “(C) mitigation;

8 “(D) administrative activities;

9 “(E) operations; and

10 “(F) any other relevant category (including
11 emergency measures and disaster resources) de-
12 lineated by major disaster; and

13 “(6) the date on which funds appropriated will
14 be exhausted.

15 “(d) CONTRACTS.—

16 “(1) INFORMATION.—

17 “(A) IN GENERAL.—Not later than 10 days
18 after the first day of each month, the Adminis-
19 trator shall publish on the website of the Agency
20 the specifics of each contract in excess of
21 \$1,000,000 that the Agency enters into during
22 the previous month, including—

23 “(i) the name of the party;

24 “(ii) the date the contract was award-
25 ed;

1 “(iii) the amount and scope of the con-
2 tract;

3 “(iv) if the contract was awarded
4 through competitive bidding process;

5 “(v) if no competitive bidding process
6 was used, the reason why competitive bid-
7 ding was not used; and

8 “(vi) the authority used to bypass the
9 competitive bidding process.

10 “(B) REQUIREMENT.—The information re-
11 quired to be published under subparagraph (A)
12 shall be delineated by major disaster, if applica-
13 ble, and specify the damage category code, if ap-
14 plicable.

15 “(2) REPORT.—Not later than 10 days after the
16 last day of the fiscal year, the Administrator shall
17 provide a report to the Committee on Homeland Se-
18 curity and Governmental Affairs of the Senate and
19 the Committee on Transportation and Infrastructure
20 of the House of Representatives summarizing the fol-
21 lowing information for the preceding fiscal year:

22 “(A) The number of contracts awarded
23 without competitive bidding.

24 “(B) The reasons why a competitive bidding
25 process was not used.

1 “(C) *The total amount of contracts awarded*
2 *with no competitive bidding.*”

3 “(D) *The damage category codes, if applica-*
4 *ble, for contracts awarded without competitive*
5 *bidding.*”.

6 **SEC. 1519. NATIONAL PUBLIC INFRASTRUCTURE**
7 **PREDISASTER HAZARD MITIGATION.**

8 *(a) PREDISASTER HAZARD MITIGATION.—Section 203*
9 *of the Robert T. Stafford Disaster Relief and Emergency*
10 *Assistance Act (42 U.S.C. 5133) is amended—*

11 *(1) in subsection (c) by inserting “Public Infra-*
12 *structure” after “the National”;*

13 *(2) in subsection (e)(1)(B)—*

14 *(A) in clause (ii), by striking “or” at the*
15 *end;*

16 *(B) in clause (iii), by striking the period*
17 *and inserting “; or”; and*

18 *(C) by adding at the end the following:*

19 *“(iv) to establish and carry out en-*
20 *forcement activities to implement the latest*
21 *published editions of relevant consensus-*
22 *based codes, specifications, and standards*
23 *that incorporate the latest hazard-resistant*
24 *designs and establish minimum acceptable*
25 *criteria for the design, construction, and*

1 *maintenance of residential structures and*
2 *facilities that may be eligible for assistance*
3 *under this Act for the purpose of protecting*
4 *the health, safety, and general welfare of the*
5 *buildings' users against disasters.”;*

6 *(3) in subsection (f)—*

7 *(A) in paragraph (1) by inserting “for*
8 *mitigation activities that are cost effective” after*
9 *“competitive basis”; and*

10 *(B) by adding at the end the following:*

11 *“(3) REDISTRIBUTION OF UNOBLIGATED*
12 *AMOUNTS.—The President may—*

13 *“(A) withdraw amounts of financial assist-*
14 *ance made available to a State (including*
15 *amounts made available to local governments of*
16 *a State) under this subsection that remain unob-*
17 *ligated by the end of the third fiscal year after*
18 *the fiscal year for which the amounts were allo-*
19 *cated; and*

20 *“(B) in the fiscal year following a fiscal*
21 *year in which amounts were withdrawn under*
22 *subparagraph (A), add the amounts to any other*
23 *amounts available to be awarded on a competi-*
24 *tive basis pursuant to paragraph (1).”;*

1 (4) *in subsection (g), in the matter preceding*
2 *paragraph (1), by inserting “provide financial assist-*
3 *ance only in States that have received a major dis-*
4 *aster declaration during the previous 7-year period*
5 *and” after “President shall”;*

6 (5) *by striking subsection (i) and inserting the*
7 *following:*

8 “(i) NATIONAL PUBLIC INFRASTRUCTURE
9 PREDISASTER MITIGATION ASSISTANCE.—

10 “(1) *IN GENERAL.—The President may set aside*
11 *from the Disaster Relief Fund, with respect to each*
12 *major disaster, an amount equal to 6 percent of the*
13 *estimated aggregate amount of the grants to be made*
14 *pursuant to sections 403, 406, 407, 408, 410, and 416*
15 *for the major disaster in order to provide technical*
16 *and financial assistance under this section.*

17 “(2) *ESTIMATED AGGREGATE AMOUNT.—Not*
18 *later than 180 days after each major disaster declara-*
19 *tion pursuant to this Act, the estimated aggregate*
20 *amount of grants for purposes of paragraph (1) shall*
21 *be determined by the President and such estimated*
22 *amount need not be reduced, increased, or changed*
23 *due to variations in estimates.*

24 “(3) *NO REDUCTION IN AMOUNTS.—The amount*
25 *set aside pursuant to paragraph (1) shall not reduce*

1 *the amounts otherwise made available for sections*
2 *403, 404, 406, 407, 408, 410, and 416 under this*
3 *Act.”;*

4 *(6) by striking subsections (j) and (m); and*

5 *(7) by redesignating subsections (k), (l), and (n)*
6 *as subsections (j), (k), and (l), respectively.*

7 *(b) APPLICABILITY.—The amendments made to section*
8 *203 of the Robert T. Stafford Disaster Relief and Emer-*
9 *gency Assistance Act (42 U.S.C. 5133) by paragraphs (3)*
10 *and (5) of subsection (a) of this Act shall apply to funds*
11 *appropriated after the date of enactment of this Act.*

12 *(c) REPORT.—*

13 *(1) DEFINITIONS.—In this subsection—*

14 *(A) the term “Administrator” means the*
15 *Administrator of the Federal Emergency Man-*
16 *agement Agency;*

17 *(B) the term “appropriate committees of*
18 *Congress” means—*

19 *(i) the Committee on Homeland Secu-*
20 *rity and Governmental Affairs of the Sen-*
21 *ate;*

22 *(ii) the Committee on Appropriations*
23 *of the Senate;*

1 (iii) the Committee on Transportation
2 and Infrastructure of the House of Rep-
3 resentatives; and

4 (iv) the Committee on Appropriations
5 of the House of Representatives; and

6 (C) the term “public assistance grant pro-
7 gram” means the public assistance grant pro-
8 gram authorized under sections 403, 406, 407,
9 418, 419, 428, and 502(a) of the Robert T. Staf-
10 ford Disaster Relief and Emergency Assistance
11 Act (42 U.S.C. 5170b, 5172, 5173, 5185, 5186,
12 5189f, and 5192(a)).

13 (2) REPORT.—Not later than 120 days after the
14 date of enactment of this Act, the Administrator shall
15 submit to the appropriate committees of Congress a
16 report detailing the implications of the amendments
17 made by subsection (a) on the fiscal health of the Dis-
18 aster Relief Fund, including—

19 (A) a justification, cost-benefit analysis,
20 and impact statement of the percentage utilized
21 to fund the amendments;

22 (B) an assessment of the extent to which the
23 extra spending could place stress on the Disaster
24 Relief Fund, as calculated under section
25 251(b)(2)(D) of the Balanced Budget and Emer-

1 *gency Deficit Control Act of 2985 (2 U.S.C.*
2 *901(b)(2)(D)), increase the pace of spending, and*
3 *impact whether supplemental funding would be*
4 *required more frequently to deal with future*
5 *major disasters declared under section 401 of the*
6 *Robert T. Stafford Disaster Relief and Emer-*
7 *gency Assistance Act (42 U.S.C. 5170);*

8 *(C) an expenditure plan detailing—*

9 *(i) anticipated application guidelines*
10 *for grantees;*

11 *(ii) a period of performance schedule;*

12 *(iii) anticipated project life cycle costs*
13 *and expected expenditure rates;*

14 *(iv) planning requirements for grant-*
15 *ees;*

16 *(v) a program schedule to ensure that*
17 *the annual fund carryover does not exceed*
18 *\$100,000,000; and*

19 *(vi) a program review and investiga-*
20 *tion schedule to prevent waste, fraud, and*
21 *abuse;*

22 *(D) an assessment of how the amendments*
23 *could be implemented to encourage mitigation*
24 *that addresses risks to the most costly disaster*
25 *impacts in order to reduce—*

1 (i) impacts on the Disaster Relief
2 Fund and the public assistance grant pro-
3 gram, in particular grants to mitigate
4 damage to infrastructure and buildings;
5 and

6 (ii) Federal expenditures for future
7 major disasters declared under section 401
8 the Robert T. Stafford Disaster Relief and
9 Emergency Assistance Act (42 U.S.C. 5170);
10 and

11 (E) an assessment of the appropriate bal-
12 ance of expenditures under section 203(i) of the
13 Robert T. Stafford Disaster Relief and Emer-
14 gency Assistance Act (42 U.S.C. 5133(i)), as
15 amended by subsection (a), for planning and for
16 projects; and

17 (F) the strategy by which project will be
18 weighted and applications assessed to include re-
19 petitive loss, location, elevation, overall risk, and
20 the ability for a grantee to make complementary
21 investments in other mitigation efforts.

1 **SEC. 1520. TECHNICAL AMENDMENTS TO NATIONAL EMER-**
2 **GENCY MANAGEMENT.**

3 (a) *HOMELAND SECURITY ACT OF 2002.*—*The Home-*
4 *land Security Act of 2002 (6 U.S.C. 101 et seq.) is amend-*
5 *ed—*

6 (1) *in section 501(8) (6 U.S.C. 311(8))—*

7 (A) *by striking “National Response Plan”*
8 *each place the term appears and inserting “Na-*
9 *tional Response Framework”;* and

10 (B) *by striking “502(a)(6)” and inserting*
11 *“504(a)(6)”;*

12 (2) *in section 503(b)(2)(A) (6 U.S.C.*
13 *313(b)(2)(A)) by inserting “and incidents impacting*
14 *critical infrastructure” before the semicolon;*

15 (3) *in section 504(a) (6 U.S.C. 314(a))—*

16 (A) *in paragraph (3) by striking “, includ-*
17 *ing—” and inserting “(which shall include inci-*
18 *dents impacting critical infrastructure), includ-*
19 *ing—”;*

20 (B) *in paragraph (4) by inserting “, in-*
21 *cluding incidents impacting critical infrastruc-*
22 *ture” before the semicolon;*

23 (C) *in paragraph (5) by striking “and*
24 *local” and inserting “local, and tribal”;*

25 (D) *in paragraph (6) by striking “national*
26 *response plan” and inserting “national response*

1 *framework, which shall be reviewed and updated*
2 *as required but not less than every 5 years”;*

3 *(E) by redesignating paragraphs (7)*
4 *through (21) as paragraphs (8) through (22), re-*
5 *spectively;*

6 *(F) by inserting after paragraph (6) the fol-*
7 *lowing:*

8 *“(7) developing integrated frameworks, to in-*
9 *clude consolidating existing Government plans ad-*
10 *dressing prevention, protection, mitigation, and re-*
11 *covery with such frameworks reviewed and updated as*
12 *required, but not less than every 5 years;”;* and

13 *(G) in paragraph (14), as redesignated, by*
14 *striking “National Response Plan” each place*
15 *the term appears and inserting “National Re-*
16 *sponse Framework”;*

17 *(4) in section 507 (6 U.S.C. 317)—*

18 *(A) in subsection (c)—*

19 *(i) in paragraph (2)(E), by striking*
20 *“National Response Plan” and inserting*
21 *“National Response Framework”; and*

22 *(ii) in paragraph (3)(A), by striking*
23 *“National Response Plan” and inserting*
24 *“National Response Framework”; and*

1 (B) in subsection (f)(1)(G), by striking “Na-
2 tional Response Plan” and inserting “National
3 Response Framework”;

4 (5) in section 508 (6 U.S.C. 318)—

5 (A) in subsection (b)(1), by striking “Na-
6 tional Response Plan” and inserting “National
7 Response Framework”; and

8 (B) in subsection (d)(2)(A), by striking
9 “The Deputy Administrator, Protection and Na-
10 tional Preparedness” and inserting “A Deputy
11 Administrator”;

12 (6) in section 509 (6 U.S.C. 319)—

13 (A) in subsection (b)—

14 (i) in paragraph (1)—

15 (I) by striking “National Re-
16 sponse Plan” and inserting “National
17 Response Framework, National Protec-
18 tion Framework, National Prevention
19 Framework, National Mitigation
20 Framework, National Recovery Frame-
21 work”;

22 (II) by striking “successor” and
23 inserting “successors”; and

1 (III) by striking “plan” at the
2 end of that paragraph and inserting
3 “framework”; and

4 (ii) in paragraph (2), by striking “Na-
5 tional Response Plan” each place the term
6 appears and inserting “National Response
7 Framework”; and

8 (B) in subsection (c)(1)—

9 (i) in subparagraph (A)—

10 (I) in the subparagraph heading,
11 by striking “NATIONAL RESPONSE
12 PLAN” and inserting “NATIONAL RE-
13 SPONSE FRAMEWORK”; and

14 (II) by striking “National Re-
15 sponse Plan” and inserting “National
16 Response Framework”; and

17 (ii) in subparagraph (B), by striking
18 “National Response Plan” and inserting
19 “National Response Framework”;

20 (7) in section 510 (6 U.S.C. 320)—

21 (A) in subsection (a), by striking “enter
22 into a memorandum of understanding” and in-
23 serting “partner”;

1 (B) in subsection (b)(1)(A), by striking
2 “National Response Plan” and inserting “Na-
3 tional Response Framework”; and

4 (C) in subsection (c), by striking “National
5 Response Plan” and inserting “National Re-
6 sponse Framework”;

7 (8) in section 515(c)(1) (6 U.S.C. 321d(c)(1)), by
8 striking “and local” each place the term appears and
9 inserting “, local, and tribal”;

10 (9) by striking section 524 (6 U.S.C. 321m);

11 (10) in section 525 (6 U.S.C. 321n), by striking
12 “Secretary” each place it appears and inserting “Ad-
13 ministrators”;

14 (11) in section 706(b)(1), as redesignated by sec-
15 tion 1142 of this Act, by striking “National Response
16 Plan” and inserting “National Response Frame-
17 work”.

18 (b) CONFORMING AMENDMENT.—The table of contents
19 in section 1(b) of the Homeland Security Act of 2002 (Pub-
20 lic Law 107–296; 116 Stat. 2135) is amended by striking
21 the item relating to section 524.

22 (c) POST-KATRINA EMERGENCY MANAGEMENT RE-
23 FORM ACT OF 2006.—

1 (1) *CITATION CORRECTION.*—Section 602(13) of
2 the *Post-Katrina Emergency Management Reform Act*
3 of 2006 (6 U.S.C. 701(13)) is amended—

4 (A) by striking “National Response Plan”
5 each place the term appears and inserting “Na-
6 tional Response Framework”; and

7 (B) by striking “502(a)(6)” and inserting
8 “504(a)(6)”.

9 (2) *CHANGE OF REFERENCE.*—Chapter 1 of sub-
10 title C of title VI of the *Post-Katrina Emergency*
11 *Management Reform Act of 2006* (Public Law 109–
12 295) is amended by striking “National Response
13 Plan” each place the term appears and inserting
14 “National Response Framework”.

15 (d) *PUBLIC HEALTH SERVICE ACT.*—Section 2801(a)
16 of the *Public Health Service Act* (42 U.S.C. 300hh(a)) is
17 amended by striking “the National Response Plan developed
18 pursuant to section 502(6) of the *Homeland Security Act*
19 of 2002” and inserting “the National Response Framework
20 developed pursuant to section 504(a)(6) of the *Homeland*
21 *Security Act of 2002* (2 U.S.C. 314(a)(6))”.

22 (e) *DEFENSE AGAINST WEAPONS OF MASS DESTRUC-*
23 *TION ACT OF 1996.*—Section 1414(b) of the *Defense Against*
24 *Weapons of Mass Destruction Act of 1996* (50 U.S.C.
25 2314(b)) is amended, in the first sentence, by striking “Na-

1 *tional Response Plan prepared pursuant to section 502(6)*
2 *of the Homeland Security Act of 2002 (6 U.S.C. 312(6))”*
3 *and inserting “National Response Framework prepared*
4 *pursuant to section 504(a)(6) of the Homeland Security Act*
5 *of 2002 (6 U.S.C. 314(a)(6))”*

6 (f) *SAVINGS CLAUSE.—The amendments made by sub-*
7 *section (a) to section 503(b)(2)(A) and paragraphs (3) and*
8 *(4) of section 504(a) of the Homeland Security Act of 2002*
9 *shall not be construed as affecting the authority, existing*
10 *on the day before the date of enactment of this Act, of any*
11 *other component of the Department of Homeland Security*
12 *or any other Federal department or agency.*

13 **SEC. 1521. INTEGRATED PUBLIC ALERT AND WARNING SYS-**
14 **TEM SUBCOMMITTEE.**

15 (a) *DEFINITIONS.—In this section—*

16 (1) *the term “Administrator” means the Admin-*
17 *istrator of the Agency;*

18 (2) *the term “Agency” means the Federal Emer-*
19 *gency Management Agency;*

20 (3) *the term “public alert and warning system”*
21 *means the integrated public alert and warning system*
22 *of the United States described in section 526 of the*
23 *Homeland Security Act of 2002 (6 U.S.C. 321o); and*

24 (4) *the term “State” means any State of the*
25 *United States, the District of Columbia, the Common-*

1 *wealth of Puerto Rico, the Virgin Islands, Guam,*
2 *American Samoa, the Commonwealth of the Northern*
3 *Mariana Islands, and any possession of the United*
4 *States.*

5 **(b) INTEGRATED PUBLIC ALERT AND WARNING SYS-**
6 **TEM SUBCOMMITTEE.**—*Section 2 of the Integrated Public*
7 *Alert and Warning System Modernization Act of 2015*
8 *(Public Law 114–143; 130 Stat. 327) is amended—*

9 *(1) in subsection (b)—*

10 *(A) in paragraph (6)(B)—*

11 *(i) in clause (i), by striking “and” at*
12 *the end;*

13 *(ii) in clause (ii)(VII), by striking the*
14 *period at the end and inserting “; and”;*
15 *and*

16 *(iii) by adding at the end the fol-*
17 *lowing:*

18 *“(iii) recommendations for best prac-*
19 *tices of State, tribal, and local governments*
20 *to follow to maintain the integrity of the*
21 *public alert and warning system, includ-*
22 *ing—*

23 *“(I) the procedures for State, trib-*
24 *al, and local government officials to*
25 *authenticate civil emergencies and ini-*

1 *tiate, modify, and cancel alerts trans-*
2 *mitted through the public alert and*
3 *warning system, including protocols*
4 *and technology capabilities for—*

5 *“(aa) the initiation, or pro-*
6 *hibition on the initiation, of*
7 *alerts by a single authorized or*
8 *unauthorized individual; and*

9 *“(bb) testing a State, tribal,*
10 *or local government incident man-*
11 *agement and warning tool with-*
12 *out accidentally initiating an*
13 *alert through the public alert and*
14 *warning system;*

15 *“(II) the standardization,*
16 *functionality, and interoperability of*
17 *incident management and warning*
18 *tools used by State, tribal, and local*
19 *governments to notify the public of an*
20 *emergency through the public alert and*
21 *warning system;*

22 *“(III) the training and recertifi-*
23 *cation of emergency management per-*
24 *sonnel on best practices for originating*

1 and transmitting an alert through the
2 public alert and warning system; and

3 “(IV) the procedures, protocols,
4 and guidance concerning the protective
5 action plans that State, tribal, and
6 local governments should issue to the
7 public following an alert issued under
8 the public alert and warning system.”;

9 (B) in paragraph (7)—

10 (i) in subparagraph (A)—

11 (I) by striking “Not later than”
12 and inserting the following:

13 “(i) INITIAL REPORT.—Not later
14 than”;

15 (II) in clause (i), as so des-
16 ignated, by striking “paragraph (6)”
17 and inserting “clauses (i) and (ii) of
18 paragraph (6)(B)”; and

19 (III) by adding at the end the fol-
20 lowing:

21 “(ii) SECOND REPORT.—Not later than
22 18 months after the date of enactment of the
23 Department of Homeland Security Author-
24 ization Act, the Subcommittee shall submit
25 to the National Advisory Council a report

1 *containing any recommendations required*
2 *to be developed under paragraph (6)(B)(iii)*
3 *for approval by the National Advisory*
4 *Council.”; and*

5 *(ii) in subparagraph (B), by striking*
6 *“report” each place that term appears and*
7 *inserting “reports”; and*

8 *(C) in paragraph (8), by striking “3” and*
9 *inserting “5”; and*

10 *(2) in subsection (c), by striking “and 2018”*
11 *and inserting “2018, 2019, 2020, and 2021”.*

12 *(c) INTEGRATED PUBLIC ALERT AND WARNING SYS-*
13 *TEM PARTICIPATORY REQUIREMENTS.—The Administrator*
14 *shall—*

15 *(1) consider the recommendations submitted by*
16 *the Integrated Public Alert and Warning System Sub-*
17 *committee to the National Advisory Council under*
18 *section 2(b)(7) of the Integrated Public Alert and*
19 *Warning System Modernization Act of 2015 (Public*
20 *Law 114–143; 130 Stat. 331), as amended by sub-*
21 *section (b) of this Act; and*

22 *(2) not later than 120 days after the date on*
23 *which the recommendations described in paragraph*
24 *(1) are submitted, establish minimum requirements*
25 *for State, tribal, and local governments to participate*

1 *in the public alert and warning system consistent*
2 *with all public notice rules and regulations.*

3 *(d) INCIDENT MANAGEMENT AND WARNING TOOL VAL-*
4 *IDATION.—*

5 *(1) IN GENERAL.—The Administrator shall es-*
6 *tablish a process to ensure that an incident manage-*
7 *ment and warning tool used by a State, tribal, or*
8 *local government to originate and transmit an alert*
9 *through the public alert and warning system meets*
10 *the minimum requirements established by the Admin-*
11 *istrator under subsection (c)(2).*

12 *(2) REQUIREMENTS.—The process required to be*
13 *established under paragraph (1) shall include—*

14 *(A) the ability to test an incident manage-*
15 *ment and warning tool in the public alert and*
16 *warning system lab;*

17 *(B) the ability to certify that an incident*
18 *management and warning tool complies with the*
19 *applicable cyber frameworks of the Department*
20 *of Homeland Security and the National Institute*
21 *of Standards and Technology;*

22 *(C) a process to certify developers of emer-*
23 *gency management software; and*

24 *(D) requiring developers to provide the Ad-*
25 *ministrator with a copy of and rights of use for*

1 *ongoing testing of each version of incident man-*
2 *agement and warning tool software before the*
3 *software is first used by a State, tribal, or local*
4 *government.*

5 *(e) REVIEW AND UPDATE OF MEMORANDA OF UNDER-*
6 *STANDING.—*

7 *(1) IN GENERAL.—The Administrator shall re-*
8 *view the memoranda of understanding between the*
9 *Agency and State, tribal, and local governments with*
10 *respect to the public alert and warning system to en-*
11 *sure that all agreements ensure compliance with any*
12 *minimum requirements established by the Adminis-*
13 *trator under subsection (c)(2).*

14 *(2) FUTURE MEMORANDA.—The Administrator*
15 *shall ensure that any new memorandum of under-*
16 *standing entered into between the Agency and a*
17 *State, tribal, or local government on or after the date*
18 *of enactment of this Act with respect to the public*
19 *alert and warning system ensures that the agreement*
20 *requires compliance with any minimum requirements*
21 *established by the Administrator under subsection*
22 *(c)(2).*

23 *(f) MISSILE ALERT AND WARNING AUTHORITIES.—*

24 *(1) IN GENERAL.—*

1 (A) *AUTHORITY.*—*Beginning on the date*
2 *that is 120 days after the date of enactment of*
3 *this Act, the authority to originate an alert*
4 *warning the public of a missile launch directed*
5 *against a State using the public alert and warn-*
6 *ing system shall reside primarily with the Fed-*
7 *eral Government.*

8 (B) *DELEGATION OF AUTHORITY.*—*The Sec-*
9 *retary of Homeland Security may delegate to a*
10 *State, tribal, or local entity the authority de-*
11 *scribed in subparagraph (A), if, not later than*
12 *60 days after the end of the 120-day period de-*
13 *scribed in subparagraph (A), the Secretary of*
14 *Homeland Security reports to the Committee on*
15 *Homeland Security and Governmental Affairs of*
16 *the Senate and the Committee on Homeland Se-*
17 *curity of the House of Representatives that—*

18 (i) *it is not feasible for the Federal*
19 *government to alert the public of a missile*
20 *threat against a State; or*

21 (ii) *it is not in the national security*
22 *interest of the United States for the Federal*
23 *government to alert the public of a missile*
24 *threat against a State.*

1 (C) *ACTIVATION OF SYSTEM.*—Upon
2 *verification of a missile threat, the President,*
3 *utilizing established authorities, protocols, and*
4 *procedures, may activate the public alert and*
5 *warning system.*

6 (2) *REQUIRED PROCESSES.*—The Secretary of
7 *Homeland Security, acting through the Adminis-*
8 *trator, shall establish a process to promptly notify a*
9 *State warning point, and any State entities that the*
10 *Administrator determines appropriate, of follow-up*
11 *actions to a missile launch alert so the State may*
12 *take appropriate action to protect the health, safety,*
13 *and welfare of the residents of the State following the*
14 *issuance of an alert described in paragraph (1)(A) for*
15 *that State.*

16 (3) *GUIDANCE.*—The Secretary of Homeland Se-
17 *curity, acting through the Administrator, shall work*
18 *with the Governor of a State warning point to de-*
19 *velop and implement appropriate protective action*
20 *plans to respond to an alert described in paragraph*
21 *(1)(A) for that State.*

22 (4) *STUDY AND REPORT.*—Not later than 1 year
23 *after the date of enactment of this Act, the Secretary*
24 *of Homeland Security shall—*

1 (A) examine the feasibility of establishing
2 an alert designation under the public alert and
3 warning system that would be used to alert and
4 warn the public of a missile threat while concur-
5 rently alerting a State warning point so that a
6 State may activate related protective action
7 plans; and

8 (B) submit a report of the findings under
9 subparagraph (A), including of the costs and
10 timeline for taking action to implement an alert
11 designation described in paragraph (1), to—

12 (i) the Subcommittee on Homeland Se-
13 curity of the Committee on Appropriations
14 of the Senate;

15 (ii) the Committee on Homeland Secu-
16 rity and Governmental Affairs of the Sen-
17 ate;

18 (iii) the Subcommittee on Homeland
19 Security of the Committee on Appropria-
20 tions of the House of Representatives; and

21 (iv) the Committee on Homeland Secu-
22 rity of the House of Representatives.

23 (g) AWARENESS OF ALERTS AND WARNINGS.—Not
24 later than 1 year after the date of enactment of this Act,
25 the Administrator shall—

1 (1) *conduct a review of—*

2 (A) *the Emergency Operations Center of the*
3 *Agency; and*

4 (B) *the National Watch Center and each*
5 *Regional Watch Center of the Agency; and*

6 (2) *submit to the Committee on Homeland Secu-*
7 *urity and Governmental Affairs of the Senate and the*
8 *Committee on Homeland Security of the House of*
9 *Representatives a report on the review conducted*
10 *under paragraph (1), which shall include—*

11 (A) *an assessment of the technical capa-*
12 *bility of the Emergency Operations Center and*
13 *the National and Regional Watch Centers de-*
14 *scribed in paragraph (1) to be notified of alerts*
15 *and warnings issued by a State through the pub-*
16 *lic alert and warning system;*

17 (B) *a determination of which State alerts*
18 *and warnings the Emergency Operations Center*
19 *and the National and Regional Watch Centers*
20 *described in paragraph (1) should be aware of;*
21 *and*

22 (C) *recommendations for improving the*
23 *ability of the National and Regional Watch Cen-*
24 *ters described in paragraph (1) to receive any*

1 “(2) *CYBERSECURITY RISK*.—The term ‘cyberse-
2 *curity risk*’ has the meaning given the term in section
3 2209.

4 “(3) *CYBERSECURITY THREAT*.—The term ‘cy-
5 *bersecurity threat*’ has the meaning given the term in
6 section 102(5) of the Cybersecurity Act of 2015 (con-
7 tained in division N of the Consolidated Appropria-
8 tions Act, 2016 (Public Law 114–113; 6 U.S.C.
9 1501)).

10 “(4) *NATIONAL CYBERSECURITY ASSET RE-*
11 *SPONSE ACTIVITIES*.—The term ‘national cybersecu-
12 *riety asset response activities*’ means—

13 “(A) *furnishing cybersecurity technical as-*
14 *sistance to entities affected by cybersecurity risks*
15 *to protect assets, mitigate vulnerabilities, and re-*
16 *duce impacts of cyber incidents;*

17 “(B) *identifying other entities that may be*
18 *at risk of an incident and assessing risk to the*
19 *same or similar vulnerabilities;*

20 “(C) *assessing potential cybersecurity risks*
21 *to a sector or region, including potential cas-*
22 *cading effects, and developing courses of action to*
23 *mitigate such risks;*

1 *Agency*’ (in this subtitle referred to as the ‘*Agency*’).
2

3 “(2) *REFERENCES*.—Any reference to the *National Protection and Programs Directorate of the Department in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Cybersecurity and Infrastructure Security Agency of the Department.*
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9 “(b) *DIRECTOR*.—

10 “(1) *IN GENERAL*.—The Agency shall be headed
11 by a Director of Cybersecurity and Infrastructure Security (in this subtitle referred to as the ‘*Director*’),
12 who shall report to the Secretary.
13

14 “(2) *REFERENCE*.—Any reference to an Under
15 Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and any other related program of the Department as described in section 103(a)(1)(H) as in effect on the day before the date of enactment of this subtitle in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Director of Cybersecurity and Infrastructure Security of the Department.
16
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24 “(c) *RESPONSIBILITIES*.—The Director shall—

1 “(1) *lead cybersecurity and critical infrastruc-*
2 *ture security programs, operations, and associated*
3 *policy for the Agency, including national cybersecu-*
4 *rity asset response activities;*

5 “(2) *coordinate with Federal entities, including*
6 *Sector-Specific Agencies, and non-Federal entities, in-*
7 *cluding international entities, to carry out the cyber-*
8 *security and critical infrastructure activities of the*
9 *Agency, as appropriate;*

10 “(3) *carry out the responsibilities of the Sec-*
11 *retary to secure Federal information and information*
12 *systems consistent with law, including subchapter II*
13 *of chapter 35 of title 44, United States Code, and the*
14 *Cybersecurity Act of 2015 (contained in division N of*
15 *the Consolidated Appropriations Act, 2016 (Public*
16 *Law 114–113));*

17 “(4) *coordinate a national effort to secure and*
18 *protect against critical infrastructure risks, consistent*
19 *with subsection (e)(1)(E);*

20 “(5) *oversee the EMP and GMD planning and*
21 *protection and preparedness activities of the Agency;*

22 “(6) *upon request, provide analyses, expertise,*
23 *and other technical assistance to critical infrastruc-*
24 *ture owners and operators and, where appropriate,*
25 *provide those analyses, expertise, and other technical*

1 *assistance in coordination with Sector-Specific Agen-*
2 *cies and other Federal departments and agencies;*

3 *“(7) develop and utilize mechanisms for active*
4 *and frequent collaboration between the Agency and*
5 *Sector-Specific Agencies to ensure appropriate coordi-*
6 *nation, situational awareness, and communications*
7 *with Sector-Specific Agencies;*

8 *“(8) maintain and utilize mechanisms for the*
9 *regular and ongoing consultation and collaboration*
10 *among the Divisions of the Agency to further oper-*
11 *ational coordination, integrated situational aware-*
12 *ness, and improved integration across the Agency in*
13 *accordance with this Act;*

14 *“(9) develop, coordinate, and implement—*

15 *“(A) comprehensive strategic plans for the*
16 *activities of the Agency; and*

17 *“(B) risk assessments by and for the Agen-*
18 *cy;*

19 *“(10) carry out emergency communications re-*
20 *sponsibilities, in accordance with title XVIII;*

21 *“(11) carry out cybersecurity, infrastructure se-*
22 *curity, and emergency communications stakeholder*
23 *outreach and engagement and coordinate that out-*
24 *reach and engagement with critical infrastructure*
25 *Sector-Specific Agencies, as appropriate;*

1 “(12) oversee an integrated analytical approach
2 to physical and cyber infrastructure analysis; and

3 “(13) carry out such other duties and powers
4 prescribed by law or delegated by the Secretary.

5 “(d) DEPUTY DIRECTOR.—There shall be in the Agen-
6 cy a Deputy Director of Cybersecurity and Infrastructure
7 Security who shall—

8 “(1) assist the Director in the management of the
9 Agency; and

10 “(2) report to the Director.

11 “(e) CYBERSECURITY AND INFRASTRUCTURE SECU-
12 RITY AUTHORITIES OF THE SECRETARY.—

13 “(1) IN GENERAL.—The responsibilities of the
14 Secretary relating to cybersecurity and infrastructure
15 security shall include the following:

16 “(A) To access, receive, and analyze law en-
17 forcement information, intelligence information,
18 and other information from Federal Government
19 agencies, State, local, tribal, and territorial gov-
20 ernment agencies, including law enforcement
21 agencies, and private sector entities, and to inte-
22 grate that information, in support of the mission
23 responsibilities of the Department, in order to—

24 “(i) identify and assess the nature and
25 scope of terrorist threats to the homeland;

1 “(ii) detect and identify threats of ter-
2 rorism against the United States; and

3 “(iii) understand those threats in light
4 of actual and potential vulnerabilities of the
5 homeland.

6 “(B) To carry out comprehensive assess-
7 ments of the vulnerabilities of the key resources
8 and critical infrastructure of the United States,
9 including the performance of risk assessments to
10 determine the risks posed by particular types of
11 terrorist attacks within the United States, in-
12 cluding an assessment of the probability of suc-
13 cess of those attacks and the feasibility and po-
14 tential efficacy of various countermeasures to
15 those attacks. At the discretion of the Secretary,
16 such assessments may be carried out in coordina-
17 tion with Sector-Specific Agencies.

18 “(C) To integrate relevant information,
19 analysis, and vulnerability assessments, regard-
20 less of whether the information, analysis, or as-
21 sessments are provided or produced by the De-
22 partment, in order to make recommendations,
23 including prioritization, for protective and sup-
24 port measures by the Department, other Federal
25 Government agencies, State, local, tribal, and

1 *territorial government agencies and authorities,*
2 *the private sector, and other entities regarding*
3 *terrorist and other threats to homeland security.*

4 “(D) To ensure, pursuant to section 202, the
5 *timely and efficient access by the Department to*
6 *all information necessary to discharge the re-*
7 *sponsibilities under this title, including obtain-*
8 *ing that information from other Federal Govern-*
9 *ment agencies.*

10 “(E) To develop, in coordination with the
11 *Sector-Specific Agencies with available expertise,*
12 *a comprehensive national plan for securing the*
13 *key resources and critical infrastructure of the*
14 *United States, including power production, gen-*
15 *eration, and distribution systems, information*
16 *technology and telecommunications systems (in-*
17 *cluding satellites), electronic financial and prop-*
18 *erty record storage and transmission systems,*
19 *emergency communications systems, and the*
20 *physical and technological assets that support*
21 *those systems.*

22 “(F) To recommend measures necessary to
23 *protect the key resources and critical infrastruc-*
24 *ture of the United States in coordination with*
25 *other Federal Government agencies, including*

1 *Sector-Specific Agencies, and in cooperation*
2 *with State, local, tribal, and territorial govern-*
3 *ment agencies and authorities, the private sector,*
4 *and other entities.*

5 “(G) *To review, analyze, and make rec-*
6 *ommendations for improvements to the policies*
7 *and procedures governing the sharing of infor-*
8 *mation relating to homeland security within the*
9 *Federal Government and between Federal Gov-*
10 *ernment agencies and State, local, tribal, and*
11 *territorial government agencies and authorities.*

12 “(H) *To disseminate, as appropriate, infor-*
13 *mation analyzed by the Department within the*
14 *Department to other Federal Government agen-*
15 *cies with responsibilities relating to homeland se-*
16 *curity and to State, local, tribal, and territorial*
17 *government agencies and private sector entities*
18 *with those responsibilities in order to assist in*
19 *the deterrence, prevention, or preemption of, or*
20 *response to, terrorist attacks against the United*
21 *States.*

22 “(I) *To consult with State, local, tribal, and*
23 *territorial government agencies and private sec-*
24 *tor entities to ensure appropriate exchanges of*
25 *information, including law enforcement-related*

1 *information, relating to threats of terrorism*
2 *against the United States.*

3 “(J) *To ensure that any material received*
4 *pursuant to this Act is protected from unauthor-*
5 *ized disclosure and handled and used only for*
6 *the performance of official duties.*

7 “(K) *To request additional information*
8 *from other Federal Government agencies, State,*
9 *local, tribal, and territorial government agencies,*
10 *and the private sector relating to threats of ter-*
11 *rorism in the United States, or relating to other*
12 *areas of responsibility assigned by the Secretary,*
13 *including the entry into cooperative agreements*
14 *through the Secretary to obtain that information.*

15 “(L) *To establish and utilize, in conjunc-*
16 *tion with the Chief Information Officer of the*
17 *Department, a secure communications and infor-*
18 *mation technology infrastructure, including*
19 *data-mining and other advanced analytical*
20 *tools, in order to access, receive, and analyze*
21 *data and information in furtherance of the re-*
22 *sponsibilities under this section, and to dissemi-*
23 *nate information acquired and analyzed by the*
24 *Department, as appropriate.*

1 “(M) To coordinate training and other sup-
2 port to the elements and personnel of the Depart-
3 ment, other Federal Government agencies, and
4 State, local, tribal, and territorial government
5 agencies that provide information to the Depart-
6 ment, or are consumers of information provided
7 by the Department, in order to facilitate the
8 identification and sharing of information re-
9 vealed in their ordinary duties and the optimal
10 utilization of information received from the De-
11 partment.

12 “(N) To coordinate with Federal, State,
13 local, tribal, and territorial law enforcement
14 agencies, and the private sector, as appropriate.

15 “(O) To exercise the authorities and over-
16 sight of the functions, personnel, assets, and li-
17 abilities of those components transferred to the
18 Department pursuant to section 201(g).

19 “(P) To carry out the functions of the na-
20 tional cybersecurity and communications inte-
21 gration center under section 2209.

22 “(Q) To carry out the requirements of the
23 Chemical Facility Anti-Terrorism Standards
24 Program established under title XXI and the se-
25 cure handling of ammonium nitrate program es-

1 *established under subtitle J of title VIII, or any*
2 *successor programs.*

3 “(2) *REALLOCATION.*—*The Secretary may reallo-*
4 *cate within the Agency the functions specified in sec-*
5 *tions 2203(b) and 2204(b), consistent with the respon-*
6 *sibilities provided in paragraph (1), upon certifying*
7 *to and briefing the appropriate congressional commit-*
8 *tees, and making available to the public, not less than*
9 *60 days before the reallocation that the reallocation is*
10 *necessary for carrying out the activities of the Agency.*

11 “(3) *STAFF.*—

12 “(A) *IN GENERAL.*—*The Secretary shall*
13 *provide the Agency with a staff of analysts hav-*
14 *ing appropriate expertise and experience to as-*
15 *sist the Agency in discharging the responsibil-*
16 *ities of the Agency under this section.*

17 “(B) *PRIVATE SECTOR ANALYSTS.*—*Ana-*
18 *lysts under this subsection may include analysts*
19 *from the private sector.*

20 “(C) *SECURITY CLEARANCES.*—*Analysts*
21 *under this subsection shall possess security clear-*
22 *ances appropriate for their work under this sec-*
23 *tion.*

24 “(4) *DETAIL OF PERSONNEL.*—

1 “(A) *IN GENERAL.*—*In order to assist the*
2 *Agency in discharging the responsibilities of the*
3 *Agency under this section, personnel of the Fed-*
4 *eral agencies described in subparagraph (B) may*
5 *be detailed to the Agency for the performance of*
6 *analytic functions and related duties.*

7 “(B) *AGENCIES.*—*The Federal agencies de-*
8 *scribed in this subparagraph are—*

9 “(i) *the Department of State;*

10 “(ii) *the Central Intelligence Agency;*

11 “(iii) *the Federal Bureau of Investiga-*
12 *tion;*

13 “(iv) *the National Security Agency;*

14 “(v) *the National Geospatial-Intel-*
15 *ligence Agency;*

16 “(vi) *the Defense Intelligence Agency;*

17 “(vii) *Sector-Specific Agencies; and*

18 “(viii) *any other agency of the Federal*
19 *Government that the President considers*
20 *appropriate.*

21 “(C) *INTERAGENCY AGREEMENTS.*—*The*
22 *Secretary and the head of a Federal agency de-*
23 *scribed in subparagraph (B) may enter into*
24 *agreements for the purpose of detailing personnel*
25 *under this paragraph.*

1 “(D) *BASIS.*—*The detail of personnel under*
2 *this paragraph may be on a reimbursable or*
3 *non-reimbursable basis.*

4 “(f) *COMPOSITION.*—*The Agency shall be composed of*
5 *the following divisions:*

6 “(1) *The Cybersecurity Division, headed by an*
7 *Assistant Director.*

8 “(2) *The Infrastructure Security Division, head-*
9 *ed by an Assistant Director.*

10 “(3) *The Emergency Communications Division*
11 *under title XVIII, headed by an Assistant Director.*

12 “(g) *CO-LOCATION.*—

13 “(1) *IN GENERAL.*—*To the maximum extent*
14 *practicable, the Director shall examine the establish-*
15 *ment of central locations in geographical regions with*
16 *a significant Agency presence.*

17 “(2) *COORDINATION.*—*When establishing the cen-*
18 *tral locations described in paragraph (1), the Director*
19 *shall coordinate with component heads and the Under*
20 *Secretary for Management to co-locate or partner on*
21 *any new real property leases, renewing any occu-*
22 *pancy agreements for existing leases, or agreeing to*
23 *extend or newly occupy any Federal space or new*
24 *construction.*

25 “(h) *PRIVACY.*—

1 “(1) *IN GENERAL.*—*There shall be a Privacy Of-*
2 *ficer of the Agency with primary responsibility for*
3 *privacy policy and compliance for the Agency.*

4 “(2) *RESPONSIBILITIES.*—*The responsibilities of*
5 *the Privacy Officer of the Agency shall include—*

6 “(A) *ensuring that the use of technologies by*
7 *the Agency sustain, and do not erode, privacy*
8 *protections relating to the use, collection, and*
9 *disclosure of personal information;*

10 “(B) *ensuring that personal information*
11 *contained in systems of records of the Agency is*
12 *handled in full compliance as specified in section*
13 *552a of title 5, United States Code (commonly*
14 *known as the ‘Privacy Act of 1974’);*

15 “(C) *evaluating legislative and regulatory*
16 *proposals involving collection, use, and disclosure*
17 *of personal information by the Agency; and*

18 “(D) *conducting a privacy impact assess-*
19 *ment of proposed rules of the Agency on the pri-*
20 *vacancy of personal information, including the type*
21 *of personal information collected and the number*
22 *of people affected.*

23 “(i) *SAVINGS.*—*Nothing in this title may be construed*
24 *as affecting in any manner the authority, existing on the*
25 *day before the date of enactment of this title, of any other*

1 *component of the Department or any other Federal depart-*
2 *ment or agency.*

3 **“SEC. 2203. CYBERSECURITY DIVISION.**

4 *“(a) ESTABLISHMENT.—*

5 *“(1) IN GENERAL.—There is established in the*
6 *Agency a Cybersecurity Division.*

7 *“(2) ASSISTANT DIRECTOR.—The Cybersecurity*
8 *Division shall be headed by an Assistant Director for*
9 *Cybersecurity (in this section referred to as the ‘As-*
10 *stant Director’), who shall—*

11 *“(A) be at the level of Assistant Secretary*
12 *within the Department;*

13 *“(B) be appointed by the President without*
14 *the advice and consent of the Senate; and*

15 *“(C) report to the Director.*

16 *“(3) REFERENCE.—Any reference to the Assist-*
17 *ant Secretary for Cybersecurity and Communications*
18 *in any law, regulation, map, document, record, or*
19 *other paper of the United States shall be deemed to*
20 *be a reference to the Assistant Director for Cybersecu-*
21 *rity.*

22 *“(b) FUNCTIONS.—The Assistant Director shall—*

23 *“(1) direct the cybersecurity efforts of the Agen-*
24 *cy;*

1 “(2) carry out activities, at the direction of the
2 Director, related to the security of Federal informa-
3 tion and Federal information systems consistent with
4 law, including subchapter II of chapter 35 of title 44,
5 United States Code, and the Cybersecurity Act of
6 2015 (contained in division N of the Consolidated Ap-
7 propriations Act, 2016 (Public Law 114–113));

8 “(3) fully participate in the mechanisms re-
9 quired under section 2202(c)(7); and

10 “(4) carry out such other duties and powers as
11 prescribed by the Director.

12 **“SEC. 2204. INFRASTRUCTURE SECURITY DIVISION.**

13 “(a) *ESTABLISHMENT.*—

14 “(1) *IN GENERAL.*—There is established in the
15 Agency an Infrastructure Security Division.

16 “(2) *ASSISTANT DIRECTOR.*—The Infrastructure
17 Security Division shall be headed by an Assistant Di-
18 rector for Infrastructure Security (in this section re-
19 ferred to as the ‘Assistant Director’), who shall—

20 “(A) be at the level of Assistant Secretary
21 within the Department;

22 “(B) be appointed by the President without
23 the advice and consent of the Senate; and

24 “(C) report to the Director.

1 “(3) *REFERENCE.*—*Any reference to the Assist-*
2 *ant Secretary for Infrastructure Protection in any*
3 *law, regulation, map, document, record, or other*
4 *paper of the United States shall be deemed to be a ref-*
5 *erence to the Assistant Director for Infrastructure Se-*
6 *curity.*

7 “(b) *FUNCTIONS.*—*The Assistant Director shall—*

8 “(1) *direct the critical infrastructure security ef-*
9 *forts of the Agency;*

10 “(2) *carry out, at the direction of the Director,*
11 *the Chemical Facilities Anti-Terrorism Standards*
12 *Program established under title XXI and the secure*
13 *handling of ammonium nitrate program established*
14 *under subtitle J of title VIII, or any successor pro-*
15 *grams;*

16 “(3) *fully participate in the mechanisms re-*
17 *quired under section 2202(c)(7); and*

18 “(4) *carry out such other duties and powers as*
19 *prescribed by the Director.”.*

20 “(b) *TREATMENT OF CERTAIN POSITIONS.*—

21 “(1) *UNDER SECRETARY.*—*The individual serving*
22 *as the Under Secretary appointed pursuant to section*
23 *103(a)(1)(H) of the Homeland Security Act of 2002*
24 *(6 U.S.C. 113(a)(1)(H)) of the Department of Home-*
25 *land Security on the day before the date of enactment*

1 *of this Act may continue to serve as the Director of*
2 *Cybersecurity and Infrastructure Security of the De-*
3 *partment on and after such date.*

4 (2) *DIRECTOR FOR EMERGENCY COMMUNICA-*
5 *TIONS.—The individual serving as the Director for*
6 *Emergency Communications of the Department of*
7 *Homeland Security on the day before the date of en-*
8 *actment of this Act may continue to serve as the As-*
9 *stant Director for Emergency Communications of*
10 *the Department on and after such date.*

11 (3) *ASSISTANT SECRETARY FOR CYBERSECURITY*
12 *AND COMMUNICATIONS.—The individual serving as*
13 *the Assistant Secretary for Cybersecurity and Com-*
14 *munications on the day before the date of enactment*
15 *of this Act may continue to serve as the Assistant Di-*
16 *rector for Cybersecurity on and after such date.*

17 (4) *ASSISTANT SECRETARY FOR INFRASTRUC-*
18 *TURE PROTECTION.—The individual serving as the*
19 *Assistant Secretary for Infrastructure Protection on*
20 *the day before the date of enactment of this Act may*
21 *continue to serve as the Assistant Director for Infra-*
22 *structure Security on and after such date.*

23 (c) *REFERENCE.—Any reference to—*

24 (1) *the Office of Emergency Communications in*
25 *any law, regulation, map, document, record, or other*

1 *paper of the United States shall be deemed to be a ref-*
2 *erence to the Emergency Communications Division;*
3 *and*

4 *(2) the Director for Emergency Communications*
5 *in any law, regulation, map, document, record, or*
6 *other paper of the United States shall be deemed to*
7 *be a reference to the Assistant Director for Emergency*
8 *Communications.*

9 *(d) OVERSIGHT.—The Director of Cybersecurity and*
10 *Infrastructure Security of the Department of Homeland Se-*
11 *curity shall provide to Congress, in accordance with the*
12 *deadlines specified in paragraphs (1) through (6), informa-*
13 *tion on the following:*

14 *(1) Not later than 60 days after the date of en-*
15 *actment of this Act, a briefing on the activities of the*
16 *Agency relating to the development and use of the*
17 *mechanisms required pursuant to section 2202(c)(7)*
18 *of the Homeland Security Act of 2002 (as added by*
19 *subsection (a)).*

20 *(2) Not later than 1 year after the date of the*
21 *enactment of this Act, a briefing on the activities of*
22 *the Agency relating to the use and improvement by*
23 *the Agency of the mechanisms required pursuant to*
24 *section 2202(c)(7) of the Homeland Security Act of*
25 *2002 and how such activities have impacted coordina-*

1 *tion, situational awareness, and communications*
2 *with Sector-Specific Agencies.*

3 (3) *Not later than 90 days after the date of the*
4 *enactment of this Act, information on the mechanisms*
5 *of the Agency for regular and ongoing consultation*
6 *and collaboration, as required pursuant to section*
7 *2202(c)(8) of the Homeland Security Act of 2002 (as*
8 *added by subsection (a)).*

9 (4) *Not later than 1 year after the date of the*
10 *enactment of this Act, information on the activities of*
11 *the consultation and collaboration mechanisms of the*
12 *Agency as required pursuant to section 2202(c)(8) of*
13 *the Homeland Security Act of 2002, and how such*
14 *mechanisms have impacted operational coordination,*
15 *situational awareness, and integration across the*
16 *Agency.*

17 (5) *Not later than 180 days after the date of en-*
18 *actment of this Act, information, which shall be made*
19 *publicly available and updated as appropriate, on the*
20 *mechanisms and structures of the Agency responsible*
21 *for stakeholder outreach and engagement, as required*
22 *under section 2202(c)(11) of the Homeland Security*
23 *Act of 2002 (as added by subsection (a)).*

24 (6) *Not later than 1 year after the date of enact-*
25 *ment of this Act, and annually thereafter, informa-*

1 *tion on EMP and GMD (as defined in section 2 of*
2 *the Homeland Security Act (6 U.S.C. 101)), which*
3 *shall include—*

4 *(A) a summary of the threats and con-*
5 *sequences, as of the date of the information, of*
6 *electromagnetic events to the critical infrastruc-*
7 *ture of the United States;*

8 *(B) Department of Homeland Security ef-*
9 *forts as of the date of the information, including*
10 *with respect to—*

11 *(i) risk assessments;*

12 *(ii) mitigation actions;*

13 *(iii) coordinating with the Department*
14 *of Energy to identify critical electric infra-*
15 *structure assets subject to EMP or GMD*
16 *risk; and*

17 *(iv) current and future plans for en-*
18 *gagement with the Department of Energy,*
19 *the Department of Defense, the National*
20 *Oceanic and Atmospheric Administration,*
21 *and other relevant Federal departments and*
22 *agencies;*

23 *(C) as of the date of the information, cur-*
24 *rent collaboration, and plans for future engage-*

1 *ment, with critical infrastructure owners and*
2 *operators;*

3 *(D) an identification of internal roles to ad-*
4 *dress electromagnetic risks to critical infrastruc-*
5 *ture; and*

6 *(E) plans for implementation and pro-*
7 *tecting and preparing United States critical in-*
8 *frastructure against electromagnetic threats.*

9 *(e) CYBER WORKFORCE.—Not later than 90 days after*
10 *the date of enactment of this Act, the Director of the Cyber-*
11 *security and Infrastructure Security Agency of the Depart-*
12 *ment of Homeland Security, in coordination with the Di-*
13 *rector of the Office of Personnel Management, shall submit*
14 *to Congress a report detailing how the Agency is meeting*
15 *legislative requirements under the Cybersecurity Workforce*
16 *Assessment Act (Public Law 113–246; 128 Stat. 2880) and*
17 *the Homeland Security Cybersecurity Workforce Assessment*
18 *Act (6 U.S.C. 146 note; Public Law 113–277) to address*
19 *cyber workforce needs.*

20 *(f) FACILITY.—Not later than 180 days after the date*
21 *of enactment of this Act, the Director of the Cybersecurity*
22 *and Infrastructure Security Agency of the Department of*
23 *Homeland Security shall report to Congress on the most*
24 *efficient and effective methods of consolidating Agency fa-*

1 *cilities, personnel, and programs to most effectively carry*
 2 *out the mission of the Agency.*

3 *(g) TECHNICAL AND CONFORMING AMENDMENTS TO*
 4 *THE HOMELAND SECURITY ACT OF 2002.—The Homeland*
 5 *Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—*

6 *(1) by amending section 103(a)(1)(H) (6 U.S.C.*
 7 *113(a)(1)(H)) to read as follows:*

8 *“(H) A Director of the Cybersecurity and*
 9 *Infrastructure Security Agency.”;*

10 *(2) in title II (6 U.S.C. 121 et seq.)—*

11 *(A) in the title heading, by striking “AND*
 12 ***INFRASTRUCTURE PROTECTION**”;*

13 *(B) in the subtitle A heading, by striking*
 14 *“and Infrastructure Protection”;*

15 *(C) in section 201 (6 U.S.C. 121)—*

16 *(i) in the section heading, by striking*

17 *“AND INFRASTRUCTURE PROTEC-*
 18 ***TION**”;*

19 *(ii) in subsection (a)—*

20 *(I) in the subsection heading, by*

21 *striking “AND INFRASTRUCTURE PRO-*

22 *TECTION”;* and

23 *(II) by striking “and an Office of*

24 *Infrastructure Protection”;*

25 *(iii) in subsection (b)—*

1 (I) *in the subsection heading, by*
2 *striking “AND ASSISTANT SECRETARY*
3 *FOR INFRASTRUCTURE PROTECTION”;*
4 *and*

5 (II) *by striking paragraph (3);*
6 *(iv) in subsection (c)—*

7 (I) *by striking “and infrastruc-*
8 *ture protection”;* *and*

9 (II) *by striking “or the Assistant*
10 *Secretary for Infrastructure Protection,*
11 *as appropriate”;*

12 *(v) in subsection (d)—*

13 (I) *in the subsection heading, by*
14 *striking “AND INFRASTRUCTURE PRO-*
15 *TECTION”;*

16 (II) *in the matter preceding para-*
17 *graph (1), by striking “and infrastruc-*
18 *ture protection”;*

19 (III) *by striking paragraphs (5),*
20 *(6), and (25);*

21 (IV) *by redesignating paragraphs*
22 *(7) through (24) as paragraphs (5)*
23 *through (22), respectively;*

24 (V) *by redesignating paragraph*
25 *(26) as paragraph (23); and*

1 (VI) in paragraph (23)(B)(i), as
2 so redesignated, by striking “section
3 319” and inserting “section 320”;

4 (vi) in subsection (e)(1), by striking
5 “and the Office of Infrastructure Protec-
6 tion”; and

7 (vii) in subsection (f)(1), by striking
8 “and the Office of Infrastructure Protec-
9 tion”;

10 (D) in section 202 (6 U.S.C. 122)—

11 (i) in subsection (c), in the matter pre-
12 ceding paragraph (1), by striking “Director
13 of Central Intelligence” and inserting “Di-
14 rector of National Intelligence”; and

15 (ii) in subsection (d)(2), by striking
16 “Director of Central Intelligence” and in-
17 serting “Director of National Intelligence”;

18 (E) in section 204 (6 U.S.C. 124a)—

19 (i) in subsection (c)(1), in the matter
20 preceding subparagraph (A), by striking
21 “Assistant Secretary for Infrastructure Pro-
22 tection” and inserting “Director of the Cy-
23 bersecurity and Infrastructure Security
24 Agency”; and

1 (ii) in subsection (d)(1), in the matter
2 preceding subparagraph (A), by striking
3 “Assistant Secretary for Infrastructure Pro-
4 tection” and inserting “Director of the Cy-
5 bersecurity and Infrastructure Security
6 Agency”;

7 (F) in section 210A(c)(2)(B) (6 U.S.C.
8 124h(c)(2)(B)), by striking “Office of Infrastruc-
9 ture Protection” and inserting “Cybersecurity
10 and Infrastructure Security Agency”;

11 (G) by redesignating section 210E (6 U.S.C.
12 124l) as section 2214 and transferring such sec-
13 tion to appear after section 2213 (as redesign-
14 ated by subparagraph (I));

15 (H) in subtitle B, by redesignating sections
16 211 through 215 (6 U.S.C. 101 note, and 131
17 through 134) as sections 2221 through 2225, re-
18 spectively, and transferring such subtitle, includ-
19 ing the enumerator and heading of subtitle B
20 and such sections, to appear after section 2214
21 (as redesignated by subparagraph (G));

22 (I) by redesignating sections 223 through
23 230 (6 U.S.C. 143 through 151) as sections 2205
24 through 2213, respectively, and transferring such

1 sections to appear after section 2204, as added
2 by this Act;

3 (J) by redesignating section 210F as section
4 210E; and

5 (K) by redesignating subtitles C and D as
6 subtitles B and C, respectively;

7 (3) in title III (6 U.S.C. 181 et seq.)—

8 (A) in section 302 (6 U.S.C. 182)—

9 (i) by striking “biological,,” each place
10 that term appears and inserting “biologi-
11 cal,;” and

12 (ii) in paragraph (3), by striking “As-
13 sistant Secretary for Infrastructure Protec-
14 tion” and inserting “Director of the Cyber-
15 security and Infrastructure Security Agen-
16 cy”;

17 (B) by redesignating the second section 319
18 (6 U.S.C. 195f) (relating to EMP and GMD
19 mitigation research and development) as section
20 320; and

21 (C) in section 320(c)(1), as so redesignated,
22 by striking “Section 214” and inserting “Section
23 2224”;

24 (4) in title V (6 U.S.C. 311 et seq.)—

1 (A) in section 508(d)(2)(D) (6 U.S.C.
2 318(d)(2)(D)), by striking “The Director of the
3 Office of Emergency Communications of the De-
4 partment of Homeland Security” and inserting
5 “The Assistant Director for Emergency Commu-
6 nications”;

7 (B) in section 514 (6 U.S.C. 321c)—

8 (i) by striking subsection (b); and

9 (ii) by redesignating subsection (c) as
10 subsection (b); and

11 (C) in section 523 (6 U.S.C. 321l)—

12 (i) in subsection (a), in the matter pre-
13 ceding paragraph (1), by striking “Assist-
14 ant Secretary for Infrastructure Protection”
15 and inserting “Director of Cybersecurity
16 and Infrastructure Security”; and

17 (ii) in subsection (c), by striking “As-
18 sistant Secretary for Infrastructure Protec-
19 tion” and inserting “Director of Cybersecu-
20 rity and Infrastructure Security”;

21 (5) in title VIII (6 U.S.C. 361 et seq.)—

22 (A) in section 884(d)(4)(A)(ii) (6 U.S.C.
23 464(d)(4)(A)(ii)), by striking “Under Secretary
24 responsible for overseeing critical infrastructure
25 protection, cybersecurity, and other related pro-

1 grams of the Department” and inserting “Direc-
2 tor of Cybersecurity and Infrastructure Secu-
3 rity”; and

4 (B) in section 899B(a) (6 U.S.C. 488a(a)),
5 by adding at the end the following: “Such regu-
6 lations shall be carried out by the Cybersecurity
7 and Infrastructure Security Agency.”;

8 (6) in title XVIII (6 U.S.C. 571 et seq.)—

9 (A) in section 1801 (6 U.S.C. 571)—

10 (i) in the section heading, by striking

11 “**OFFICE OF EMERGENCY COMMUNICA-**
12 **TIONS**” and inserting “**EMERGENCY**
13 **COMMUNICATIONS DIVISION**”;

14 (ii) in subsection (a)—

15 (I) by striking “Office of Emer-
16 gency Communications” and inserting
17 “Emergency Communications Divi-
18 sion”; and

19 (II) by adding at the end the fol-
20 lowing: “The Division shall be located
21 in the Cybersecurity and Infrastruc-
22 ture Security Agency.”;

23 (iii) by amending subsection (b) to
24 read as follows:

1 “(b) ASSISTANT DIRECTOR.—The head of the Division
2 shall be the Assistant Director for Emergency Communica-
3 tions. The Assistant Director shall report to the Director
4 of Cybersecurity and Infrastructure Security. All decisions
5 of the Assistant Director that entail the exercise of signifi-
6 cant authority shall be subject to the approval of the Direc-
7 tor of Cybersecurity and Infrastructure Security.”;

8 (iv) in subsection (c)—

9 (I) in the matter preceding para-
10 graph (1), by inserting “Assistant” be-
11 fore “Director”;

12 (II) in paragraph (15), as added
13 by section 1431(a)(7), by striking
14 “and” at the end;

15 (III) by redesignating paragraph
16 (16), as so redesignated by section
17 1431(a)(3), as paragraph (17); and

18 (IV) by inserting after paragraph
19 (15) the following:

20 “(16) fully participate in the mechanisms re-
21 quired under section 2202(c)(8); and”;

22 (v) in subsection (d), in the matter
23 preceding paragraph (1), by inserting “As-
24 sistant” before “Director”; and

1 (vi) in subsection (e), in the matter
2 preceding paragraph (1), by inserting “As-
3 sistant” before “Director”;

4 (B) in sections 1802 through 1805 (6 U.S.C.
5 572 through 575), by striking “Director for
6 Emergency Communications” each place that
7 term appears and inserting “Assistant Director
8 for Emergency Communications”;

9 (C) in section 1809 (6 U.S.C. 579)—

10 (i) by striking “Director of Emergency
11 Communications” each place that term ap-
12 pears and inserting “Assistant Director for
13 Emergency Communications”;

14 (ii) in subsection (b)—

15 (I) by striking “Director for
16 Emergency Communications” and in-
17 serting “Assistant Director for Emer-
18 gency Communications”; and

19 (II) by striking “Office of Emer-
20 gency Communications” and inserting
21 “Emergency Communications Divi-
22 sion”;

23 (iii) in subsection (e)(3), by striking
24 “the Director” and inserting “the Assistant
25 Director”; and

1 (iv) in subsection (m)(1)—

2 (I) by striking “The Director”
3 and inserting “The Assistant Direc-
4 tor”;

5 (II) by striking “the Director de-
6 termines” and inserting “the Assistant
7 Director determines”; and

8 (III) by striking “Office of Emer-
9 gency Communications” and inserting
10 “Cybersecurity and Infrastructure Se-
11 curity Agency”;

12 (D) in section 1810 (6 U.S.C. 580)—

13 (i) in subsection (a)(1), by striking
14 “Director of the Office of Emergency Com-
15 munications (referred to in this section as
16 the ‘Director’)” and inserting “Assistant
17 Director for Emergency Communications
18 (referred to in this section as the ‘Assistant
19 Director’)”;

20 (ii) in subsection (c), by striking “Of-
21 fice of Emergency Communications” and
22 inserting “Emergency Communications Di-
23 vision”; and

1 (iii) by striking “Director” each place
2 that term appears and inserting “Assistant
3 Director”;

4 (7) in title XX (6 U.S.C. 601 et seq.)—

5 (A) in paragraph (5)(A)(iii)(II) of section
6 2001 (6 U.S.C. 601), as so redesignated by sec-
7 tion 1451(b), by striking “section 210E(a)(2)”
8 and inserting “section 2214(a)(2)”;

9 (B) in section 2008(a)(3) (6 U.S.C.
10 609(a)(3)), by striking “section 210E(a)(2)” and
11 inserting “section 2214(a)(2)”; and

12 (C) in section 2021 (6 U.S.C. 611)—

13 (i) by striking subsection (c); and

14 (ii) by redesignating subsection (d) as
15 subsection (c);

16 (8) in title XXI (6 U.S.C. 621 et seq.)—

17 (A) in section 2102(a)(1) (6 U.S.C.
18 622(a)(1)), by inserting “, which shall be located
19 in the Cybersecurity and Infrastructure Security
20 Agency” before the period at the end; and

21 (B) in section 2104(c)(2) (6 U.S.C.
22 624(c)(2)), by striking “Under Secretary respon-
23 sible for overseeing critical infrastructure protec-
24 tion, cybersecurity, and other related programs
25 of the Department appointed under section

1 103(a)(1)(H)” and inserting “Director of Cyber-
2 security and Infrastructure Security”; and

3 (9) in title XXII, as added by this Act—

4 (A) in subtitle A—

5 (i) in section 2205, as so redesign-
6 ated—

7 (I) in the matter preceding para-
8 graph (1)—

9 (aa) by striking “section
10 201” and inserting “section
11 2202”; and

12 (bb) by striking “Under Sec-
13 retary appointed under section
14 103(a)(1)(H)” and inserting “Di-
15 rector of Cybersecurity and Infra-
16 structure Security”; and

17 (II) in paragraph (1)(B), by
18 striking “and” at the end;

19 (ii) in section 2206, as so redesignated,
20 by striking “Assistant Secretary for Infra-
21 structure Protection” and inserting “Direc-
22 tor of Cybersecurity and Infrastructure Se-
23 curity”;

24 (iii) in section 2209, as so redesign-
25 ated—

1 (I) by striking “Under Secretary
2 appointed under section 103(a)(1)(H)”
3 each place that term appears and in-
4 serting “Director”;

5 (II) in subsection (a)(4), by strik-
6 ing “section 212(5)” and inserting
7 “section 2222(5)”;

8 (III) in subsection (b), by adding
9 at the end the following: “The Center
10 shall be located in the Cybersecurity
11 and Infrastructure Security Agency.
12 The head of the Center shall report to
13 the Assistant Director for Cybersecu-
14 rity.”; and

15 (IV) in subsection (c)(11), by
16 striking “Office of Emergency Commu-
17 nications” and inserting “Emergency
18 Communications Division”;

19 (iv) in section 2210, as so redesign-
20 ated—

21 (I) by striking “section 227” each
22 place that term appears and inserting
23 “section 2209”; and

24 (II) in subsection (c)—

1 (aa) by striking “Under Sec-
2 retary appointed under section
3 103(a)(1)(H)” and inserting “Di-
4 rector of Cybersecurity and Infra-
5 structure Security”; and

6 (bb) by striking “section
7 212(5)” and inserting “section
8 2222(5)”;

9 (v) in section 2211, as so redesign-
10 nated—

11 (I) in subsection (b)(2)(A), by
12 striking “the section 227” and insert-
13 ing “section 2209”; and

14 (II) in subsection (c)(1)(C), by
15 striking “section 707” and inserting
16 “section 706”;

17 (vi) in section 2212, as so redesignated,
18 by striking “section 212(5)” and inserting
19 “section 2222(5)”;

20 (vii) in section 2213(a), as so redesign-
21 nated—

22 (I) in paragraph (3), by striking
23 “section 228” and inserting “section
24 2210”; and

1 (II) in paragraph (4), by striking
2 “section 227” and inserting “section
3 2209”; and

4 (viii) in section 2214, as so redesign-
5 nated—

6 (I) by striking subsection (e); and

7 (II) by redesignating subsection
8 (f) as subsection (e); and

9 (B) in subtitle B—

10 (i) in section 2222(8), as so redesign-
11 nated, by striking “section 227” and insert-
12 ing “section 2209”; and

13 (ii) in section 2224(h), as so redesign-
14 nated, by striking “section 213” and insert-
15 ing “section 2223”;

16 (h) *TECHNICAL AND CONFORMING AMENDMENTS TO*
17 *OTHER LAWS.*—

18 (1) *CYBERSECURITY ACT OF 2015.*—*The Cyberse-*
19 *curity Act of 2015 (6 U.S.C. 1501 et seq.) is amend-*
20 *ed—*

21 (A) in section 202(2) (6 U.S.C. 131 note)—

22 (i) by striking “section 227” and in-
23 serting “section 2209”; and

24 (ii) by striking “, as so redesignated by
25 section 223(a)(3) of this division”;

1 (B) in section 207(2) (Public Law 114–113;
2 129 Stat. 2962)—

3 (i) by striking “section 227” and in-
4 serting “section 2209”; and

5 (ii) by striking “, as redesignated by
6 section 223(a) of this division,”;

7 (C) in section 208 (Public Law 114–113;
8 129 Stat. 2962), by striking “Under Secretary
9 appointed under section 103(a)(1)(H) of the
10 Homeland Security Act of 2002 (6 U.S.C.
11 113(a)(1)(H))” and inserting “Director of Cy-
12 bersecurity and Infrastructure Security of the
13 Department”;

14 (D) in section 222 (6 U.S.C. 1521)—

15 (i) in paragraph (2)—

16 (I) by striking “section 228” and
17 inserting “section 2210”; and

18 (II) by striking “, as added by
19 section 223(a)(4) of this division”; and

20 (ii) in paragraph (4)—

21 (I) by striking “section 227” and
22 inserting “section 2209”; and

23 (II) by striking “, as so redesign-
24 ated by section 223(a)(3) of this divi-
25 sion”;

1 (E) in section 223(b) (6 U.S.C. 151 note)—
2 (i) by striking “section 230(b)(1) of the
3 Homeland Security Act of 2002, as added
4 by subsection (a)” each place that term ap-
5 pears and inserting “section 2213(b)(1) of
6 the Homeland Security Act of 2002”; and
7 (ii) in paragraph (1)(B), by striking
8 “section 230(b)(2) of the Homeland Secu-
9 rity Act of 2002, as added by subsection
10 (a)” and inserting “section 2213(b)(2) of
11 the Homeland Security Act of 2002”;
12 (F) in section 226 (6 U.S.C. 1524)—
13 (i) in subsection (a)—
14 (I) in paragraph (1)—
15 (aa) by striking “section
16 230” and inserting “section
17 2213”; and
18 (bb) by striking “, as added
19 by section 223(a)(6) of this divi-
20 sion”;
21 (II) in paragraph (4)—
22 (aa) by striking “section
23 228(b)(1)” and inserting “section
24 2210(b)(1)”; and

1 (bb) by striking “, as added
2 by section 223(a)(4) of this divi-
3 sion”; and

4 (III) in paragraph (5)—

5 (aa) by striking “section
6 230(b)” and inserting “section
7 2213(b)”; and

8 (bb) by striking “, as added
9 by section 223(a)(6) of this divi-
10 sion”; and

11 (ii) in subsection (c)(1)(A)(vi)—

12 (I) by striking “section 230(c)(5)”
13 and inserting “section 2213(c)(5)”;
14 and

15 (II) by striking “, as added by
16 section 223(a)(6) of this division”;

17 (G) in section 227 (6 U.S.C. 1525)—

18 (i) in subsection (a)—

19 (I) by striking “section 230” and
20 inserting “section 2213”; and

21 (II) by striking “, as added by
22 section 223(a)(6) of this division,”;
23 and

24 (ii) in subsection (b)—

1 (I) by striking “section 230(d)(2)”
2 and inserting “section 2213(d)(2)”;
3 and

4 (II) by striking “, as added by
5 section 223(a)(6) of this division,”;
6 and

7 (H) in section 404 (6 U.S.C. 1532)—

8 (i) by striking “Director for Emer-
9 gency Communications” each place that
10 term appears and inserting “Assistant Di-
11 rector for Emergency Communications”;
12 and

13 (ii) in subsection (a)—

14 (I) by striking “section 227” and
15 inserting “section 2209”; and

16 (II) by striking “, as redesignated
17 by section 223(a)(3) of this division,”.

18 (2) *SMALL BUSINESS ACT*.—Section 21(a)(8)(B)
19 of the *Small Business Act* (15 U.S.C. 648(a)(8)(B)) is
20 amended by striking “section 227(a) of the *Homeland*
21 *Security Act of 2002* (6 U.S.C. 148(a))” and insert-
22 ing “section 2209(a) of the *Homeland Security Act of*
23 2002”.

24 (3) *TITLE 5*.—Subchapter II of chapter 53 of
25 title 5, *United States Code*, is amended—

1 (A) in section 5314, by inserting after
2 “Under Secretaries, Department of Homeland
3 Security.” the following:

4 “Director, Cybersecurity and Infrastructure Se-
5 curity Agency.”; and

6 (B) in section 5315, by inserting after “As-
7 sistant Secretaries, Department of Homeland Se-
8 curity.” the following:

9 “Assistant Director for Cybersecurity, Cybersecu-
10 rity and Infrastructure Security Agency.

11 “Assistant Director for Infrastructure Security,
12 Cybersecurity and Infrastructure Security Agency.”.

13 (i) *TABLE OF CONTENTS AMENDMENTS.*—The table of
14 contents in section 1(b) of the Homeland Security Act of
15 2002 (Public Law 107–296; 116 Stat. 2135) is amended—

16 (1) by striking the item relating to title II and
17 inserting the following:

 “TITLE II—INFORMATION ANALYSIS”;

18 (2) by striking the item relating to subtitle A of
19 title II and inserting the following:

 “Subtitle A—Information and Analysis; Access to Information”;

20 (3) by striking the item relating to section 201
21 and inserting the following:

 “Sec. 201. Information and analysis.”;

1 (4) by striking the items relating to sections
2 210E and 210F and inserting the following:

“Sec. 210E. *Classified Information Advisory Officer.*”;

3 (5) by striking the items relating to subtitle B of
4 title II and sections 211 through 215;

5 (6) by striking the items relating to section 223
6 through section 230;

7 (7) by striking the item relating to subtitle C
8 and inserting the following:

“Subtitle B—*Information Security*”;

9 (8) by striking the item relating to subtitle D
10 and inserting the following:

“Subtitle C—*Office of Science and Technology*”;

11 (9) by striking the items relating to sections 317,
12 319, 318, and 319 and inserting the following:

“Sec. 317. *Promoting antiterrorism through international cooperation program.*

“Sec. 318. *Social media working group.*

“Sec. 319. *Transparency in research and development.*

“Sec. 320. *EMP and GMD mitigation research and development.*”;

13 (10) by striking the item relating to section 1801
14 and inserting the following:

“Sec. 1801. *Emergency Communications Division.*”; and

15 (11) by adding at the end the following:

“TITLE XXII—CYBERSECURITY AND INFRASTRUCTURE SECURITY
AGENCY

“Subtitle A—*Cybersecurity and Infrastructure Security*

“Sec. 2201. *Definitions.*

“Sec. 2202. *Cybersecurity and Infrastructure Security Agency.*

“Sec. 2203. *Cybersecurity Division.*

“Sec. 2204. *Infrastructure Security Division.*

“Sec. 2205. *Enhancement of Federal and non-Federal cybersecurity.*

“Sec. 2206. *Net guard.*

- “Sec. 2207. *Cyber Security Enhancement Act of 2002.*
 “Sec. 2208. *Cybersecurity recruitment and retention.*
 “Sec. 2209. *National cybersecurity and communications integration center.*
 “Sec. 2210. *Cybersecurity plans.*
 “Sec. 2211. *Cybersecurity strategy.*
 “Sec. 2212. *Clearances.*
 “Sec. 2213. *Federal intrusion detection and prevention system.*
 “Sec. 2214. *National Asset Database.*

“Subtitle B—Critical Infrastructure Information

- “Sec. 2221. *Short title.*
 “Sec. 2222. *Definitions.*
 “Sec. 2223. *Designation of critical infrastructure protection program.*
 “Sec. 2224. *Protection of voluntarily shared critical infrastructure information.*
 “Sec. 2225. *No private right of action.*”.

1 **SEC. 1602. TRANSFER OF OTHER ENTITIES.**

2 (a) *OFFICE OF BIOMETRIC IDENTITY MANAGEMENT.—*
 3 *The Office of Biometric Identity Management of the Depart-*
 4 *ment of Homeland Security located in the National Protec-*
 5 *tion and Programs Directorate of the Department of Home-*
 6 *land Security on the day before the date of enactment of*
 7 *this Act is hereby transferred to the Management Direc-*
 8 *torate of the Department.*

9 (b) *FEDERAL PROTECTIVE SERVICE.—*

10 (1) *IN GENERAL.—Not later than 90 days fol-*
 11 *lowing the completion of the Government Account-*
 12 *ability Office review of the organizational placement*
 13 *of the Federal Protective Service, as requested by Con-*
 14 *gress, the Secretary of Homeland Security shall sub-*
 15 *mit to the Director of the Office of Management and*
 16 *Budget and the appropriate committees of Congress a*
 17 *recommendation regarding the appropriate placement*

1 *of the Federal Protective Service within the executive*
2 *branch of the Federal Government.*

3 (2) *CONSULTATION AND ASSESSMENT.*—*The rec-*
4 *ommendation described in paragraph (1) shall—*

5 (A) *be developed after consultation with the*
6 *head of any executive branch entity that the Sec-*
7 *retary intends to recommend for the placement of*
8 *the Federal Protective Service; and*

9 (B) *include—*

10 (i) *an assessment of the how the De-*
11 *partment of Homeland Security considered*
12 *the Government Accountability Office re-*
13 *view described in paragraph (1) and any*
14 *other relevant analysis; and*

15 (ii) *an explanation of any statutory*
16 *changes that may be necessary to effectuate*
17 *the recommendation.*

18 **SEC. 1603. DHS REPORT ON CLOUD-BASED CYBERSECURITY.**

19 (a) *DEFINITION.*—*In this section, the term “Depart-*
20 *ment” means the Department of Homeland Security.*

21 (b) *REPORT.*—*Not later than 120 days after the date*
22 *of enactment of this Act, the Secretary of Homeland Secu-*
23 *arity, in coordination with the Director of the Office of Man-*
24 *agement and Budget and the Administrator of General*
25 *Services, shall submit to the Committee on Homeland Secu-*

1 *uity and Governmental Affairs of the Senate and the Com-*
2 *mittee on Oversight and Government Reform and the Com-*
3 *mittee on Homeland Security of the House of Representa-*
4 *tives a report on the leadership role of the Department in*
5 *cloud-based cybersecurity deployments for civilian Federal*
6 *departments and agencies, which shall include—*

7 (1) *information on the plan of the Department*
8 *for offering automated, software-based Security Oper-*
9 *ations Center as a service capabilities in accordance*
10 *with the December 2017 Report to the President on*
11 *Federal IT Modernization issued by the American*
12 *Technology Council;*

13 (2) *information on what capabilities the Depart-*
14 *ment will prioritize for those service capabilities, in-*
15 *cluding—*

16 (A) *criteria the Department will use to*
17 *evaluate capabilities offered by the private sector;*
18 *and*

19 (B) *information on how government- and*
20 *private sector-provided capabilities will be inte-*
21 *grated to enable visibility and consistency of se-*
22 *curity capabilities across all cloud and on*
23 *premise environments, as called for in the report*
24 *described in paragraph (1); and*

1 (3) *information on how the Department will*
2 *adapt the current capabilities of, and future enhance-*
3 *ments to, the intrusion detection and prevention sys-*
4 *tem of the Department and the Continuous*
5 *Diagnostics and Mitigation Program of the Depart-*
6 *ment to secure civilian government networks in a*
7 *cloud environment.*

8 **SEC. 1604. RULE OF CONSTRUCTION.**

9 *Nothing in this title or an amendment made by this*
10 *title may be construed as—*

11 (1) *conferring new authorities to the Secretary of*
12 *Homeland Security, including programmatic, regu-*
13 *latory, or enforcement authorities, outside of the au-*
14 *thorities in existence on the day before the date of en-*
15 *actment of this Act;*

16 (2) *reducing or limiting the programmatic, regu-*
17 *latory, or enforcement authority vested in any other*
18 *Federal agency by statute; or*

19 (3) *affecting in any manner the authority, exist-*
20 *ing on the day before the date of enactment of this*
21 *Act, of any other Federal agency or component of the*
22 *Department of Homeland Security.*

23 **SEC. 1605. PROHIBITION ON ADDITIONAL FUNDING.**

24 *No additional funds are authorized to be appropriated*
25 *to carry out this title or the amendments made by this title.*

1 *This title and the amendments made by this title shall be*
2 *carried out using amounts otherwise authorized.*

3 **TITLE VII—OTHER MATTERS**

4 **Subtitle A—Miscellaneous**

5 **SEC. 1701. AUTHORIZATION OF APPROPRIATIONS FOR OF-** 6 **FICE OF INSPECTOR GENERAL.**

7 *There is authorized to be appropriated for the Office*
8 *of the Inspector General of the Department of Homeland*
9 *Security \$175,000,000 for each of fiscal years 2018 and*
10 *2019.*

11 **SEC. 1702. CANINE TEAMS.**

12 *Components of the Department of Homeland Security*
13 *may request additional canine teams when there is a justi-*
14 *fied and documented shortage and such additional canine*
15 *teams would be effective for drug detection or to enhance*
16 *security.*

17 **SEC. 1703. REPORT ON RESOURCE REQUIREMENTS TO RE-** 18 **SPOND TO CONGRESSIONAL REQUESTS.**

19 *(a) DEFINITIONS.—In this section—*

20 *(1) the term “Department” means the Depart-*
21 *ment of Homeland Security; and*

22 *(2) the term “Secretary” means the Secretary of*
23 *Homeland Security.*

24 *(b) REPORT.—Not later than 60 days after the date*
25 *of enactment of this Act, and every year thereafter, the Sec-*

1 *etary shall submit to Congress a report on requests made*
2 *by Congress to the Department that shall include, with re-*
3 *spect to the fiscal year preceding the report or, if available,*
4 *the preceding 5 fiscal years—*

5 *(1) the total number of congressional requests to*
6 *the Department, including a breakdown of the num-*
7 *ber of requests made by committees, subcommittees,*
8 *and caucuses;*

9 *(2) the total number of congressional responses*
10 *for which the Department was required to prepare,*
11 *including a breakdown of the number of hearings,*
12 *briefings, and outreach events for the Department and*
13 *each component of the Department;*

14 *(3) the total number of requests for similar or*
15 *duplicative briefings, hearings, and other events that*
16 *were made by multiple committees of Congress, in-*
17 *cluding—*

18 *(A) a breakdown of the number of requests*
19 *for the Department and each component of the*
20 *Department; and*

21 *(B) a breakdown of the number of requests*
22 *for hearings by topic and by the requesting com-*
23 *mittees and subcommittees of Congress;*

1 (4) *the total number of written testimony before*
2 *committees and reports that the Department had to*
3 *prepare for or respond to, including—*

4 (A) *a breakdown of the number of written*
5 *testimony before committees and reports that the*
6 *Department and each component of the Depart-*
7 *ment had to prepare for or respond to; and*

8 (B) *a breakdown of the number of written*
9 *testimony before committees and reports that the*
10 *Department and each component of the Depart-*
11 *ment had to prepare for or respond to by topic,*
12 *as determined by the Secretary;*

13 (5) *the total number and a list of congressional*
14 *document requests and subpoenas sent to the Depart-*
15 *ment, including all pending document requests and*
16 *subpoenas, including—*

17 (A) *whether a request is currently pending;*

18 (B) *how long it took the Department to re-*
19 *spond fully to each request, or, for pending re-*
20 *quests, how long the request has been out-*
21 *standing; and*

22 (C) *the reason for any response time greater*
23 *than 90 days from the date on which the original*
24 *request was received;*

1 (6) *the total number and a list of congressional*
2 *questions for the record sent to the Department, in-*
3 *cluding all pending questions for the record, includ-*
4 *ing—*

5 (A) *whether a question for the record is cur-*
6 *rently pending;*

7 (B) *how long it took the Department to re-*
8 *spond fully to each question for the record, or,*
9 *for pending questions for the record, how long the*
10 *request has been outstanding; and*

11 (C) *the reason for any response time greater*
12 *than 90 days from the date on which the original*
13 *question for the record was received; and*

14 (7) *the total number and a list of congressional*
15 *letter requests for information, not including requests*
16 *for documents or questions for the record, sent to the*
17 *Department, including all pending requests for infor-*
18 *mation, including—*

19 (A) *whether the request for information is*
20 *currently pending;*

21 (B) *how long it took the Department to re-*
22 *spond fully to each request for information, or,*
23 *pending requests for information, how long the*
24 *request has been outstanding; and*

1 (C) the reason for any response time greater
2 than 90 days from the date on which the original
3 request for information was received; and

4 (8) any additional information as determined by
5 the Secretary.

6 (c) *TERMINATION.*—This section shall terminate on the
7 date that is 5 years after the date of enactment of this Act.

8 **SEC. 1704. REPORT ON COOPERATION WITH THE PEOPLE’S**
9 **REPUBLIC OF CHINA TO COMBAT ILLICIT**
10 **OPIOID SHIPMENTS.**

11 Not later than 90 days after the date of enactment of
12 this Act, the Secretary of Homeland Security, in consulta-
13 tion with the Attorney General and the Secretary of State,
14 shall submit to Congress a report on current and planned
15 cooperation with the Government of the People’s Republic
16 of China to end opioid smuggling, including through online
17 sellers, which shall include a discussion of—

18 (1) plans to leverage high-level partnerships with
19 Chinese officials established through the United
20 States–China Law Enforcement and Cybersecurity
21 Dialogue to combat the shipment of illicit opioids to
22 the United States;

23 (2) the current status and expected time frame
24 for scheduling additional illicit opioids as illegal;

1 (3) *the current status and expected time frame*
2 *for shutting down smuggling routes and methods, in-*
3 *cluding online sellers located in China; and*

4 (4) *any additional forums or diplomatic chan-*
5 *nels that should be used to further cooperation with*
6 *other foreign governments to combat illicit opioid*
7 *shipments.*

8 ***Subtitle B—Commission to Review***
9 ***the Congressional Oversight of***
10 ***the Department of Homeland Se-***
11 ***curity***

12 **SEC. 1711. SHORT TITLE.**

13 *This subtitle may be cited as the “Congressional Com-*
14 *mission to Review the Congressional Oversight of the De-*
15 *partment of Homeland Security Act of 2018”.*

16 **SEC. 1712. ESTABLISHMENT.**

17 *There is established in the legislative branch a commis-*
18 *sion to be known as the “Congressional Commission to Re-*
19 *view Congressional Oversight of the Department of Home-*
20 *land Security” (in this subtitle referred to as the “Commis-*
21 *sion”).*

22 **SEC. 1713. MEMBERS OF THE COMMISSION.**

23 (a) *MEMBERS.*—*The Commission shall be composed of*
24 *6 members, of whom—*

1 (1) *1 member shall be appointed by the Majority*
2 *Leader of the Senate, in consultation with the leader*
3 *of the House of Representatives who is a member of*
4 *the political party of which the Majority Leader is a*
5 *member, who shall serve as chairperson of the Com-*
6 *mission;*

7 (2) *1 member shall be appointed by the Minority*
8 *Leader of the Senate, in consultation with the leader*
9 *of the House of Representatives who is a member of*
10 *the political party of which the Minority Leader is a*
11 *member, who shall serve as vice chairperson of the*
12 *Commission;*

13 (3) *1 member shall be appointed by the Majority*
14 *Leader of the Senate;*

15 (4) *1 member shall be appointed by the Minority*
16 *Leader of the Senate;*

17 (5) *1 member shall be appointed by the Majority*
18 *Leader of the House of Representatives; and*

19 (6) *1 member shall be appointed by the Minority*
20 *Leader of the House of Representatives.*

21 (b) *EXPERTISE.—In making appointments under this*
22 *section, the individual making the appointment shall give*
23 *consideration to—*

24 (1) *individuals with expertise in homeland secu-*
25 *rity and congressional oversight; and*

1 (2) *individuals with prior senior leadership ex-*
2 *perience in the executive or legislative branch.*

3 (c) *TIMING OF APPOINTMENTS.—Appointments to the*
4 *Commission shall be made not later than 45 days after the*
5 *date of enactment of this Act.*

6 (d) *TERMS; VACANCIES.—Each member shall be ap-*
7 *pointed for the duration of the Commission. Any vacancy*
8 *in the Commission shall not affect the powers of the Com-*
9 *mission, and shall be filled in the manner in which the*
10 *original appointment was made.*

11 (e) *COMPENSATION.—Members of the Commission shall*
12 *serve without pay.*

13 (f) *TRAVEL EXPENSES.—Each member of the Commis-*
14 *sion shall be allowed travel expenses, including per diem*
15 *in lieu of subsistence, at rates authorized for employees of*
16 *agencies under subchapter I of chapter 57 of title 5, United*
17 *States Code, while away from their homes or regular places*
18 *of business in the performance of services for the Commis-*
19 *sion.*

20 (g) *SECURITY CLEARANCES.—The appropriate Fed-*
21 *eral agencies or departments shall cooperate with the Com-*
22 *mission in expeditiously providing to the members and em-*
23 *ployees of the Commission appropriate security clearances*
24 *to the extent possible, pursuant to existing procedures and*
25 *requirements, except that no person shall be provided with*

1 *access to classified information under this subtitle without*
2 *the appropriate security clearances.*

3 **SEC. 1714. DUTIES OF THE COMMISSION.**

4 (a) *STUDY OF THE DEPARTMENT OF HOMELAND SE-*
5 *CURITY.—The Commission shall conduct a comprehensive*
6 *study of the congressional oversight of the Department of*
7 *Homeland Security, including its components, subcompo-*
8 *nents, directorates, agencies, and any other entities within*
9 *the Department to—*

10 (1) *review the congressional oversight of the De-*
11 *partment of Homeland Security; and*

12 (2) *make recommendations on how congressional*
13 *committee jurisdictions in the Senate and House of*
14 *Representatives could be modified to promote home-*
15 *land security and the efficiency and congressional*
16 *oversight of the Department.*

17 (b) *REPORT.—Upon the affirmative vote of not less*
18 *than 4 of the members of the Commission, the Commission*
19 *shall submit to the President and Congress a detailed state-*
20 *ment of the findings and conclusions of the Commission*
21 *based on the study carried out under subsection (a), together*
22 *with the recommendations of the Commission for such legis-*
23 *lation or administrative actions as the Commission con-*
24 *siders appropriate in light of the results of the study.*

1 (c) *DEADLINE.*—*The Commission shall submit the re-*
2 *port under subsection (b) not later than 9 months after the*
3 *date on which a majority of the members of the Commission*
4 *are appointed.*

5 **SEC. 1715. OPERATION AND POWERS OF THE COMMISSION.**

6 (a) *EXECUTIVE BRANCH ASSISTANCE.*—*The heads of*
7 *the following agencies shall advise and consult with the*
8 *Commission on matters within their respective areas of re-*
9 *sponsibility:*

10 (1) *The Department of Homeland Security.*

11 (2) *The Department of Justice.*

12 (3) *The Department of State.*

13 (4) *The Office of Management and Budget.*

14 (5) *Any other agency, as determined by the Com-*
15 *mission.*

16 (b) *MEETINGS.*—*The Commission shall meet—*

17 (1) *not later than 30 days after the date on*
18 *which a majority of the members of the Commission*
19 *have been appointed; and*

20 (2) *at such times thereafter, at the call of the*
21 *chairperson or vice chairperson.*

22 (c) *RULES OF PROCEDURE.*—*The chairperson and vice*
23 *chairperson shall, with the approval of a majority of the*
24 *members of the Commission, establish written rules of proce-*

1 *dure for the Commission, which shall include a quorum re-*
2 *quirement to conduct the business of the Commission.*

3 (d) *HEARINGS.*—*The Commission may, for the pur-*
4 *pose of carrying out this subtitle, hold hearings, sit, and*
5 *act at times and places, take testimony, and receive evi-*
6 *dence as the Commission considers appropriate.*

7 (e) *CONTRACTS.*—*The Commission may contract with*
8 *and compensate government and private agencies or per-*
9 *sons for any purpose necessary to enable it to carry out*
10 *this subtitle.*

11 (f) *MAILS.*—*The Commission may use the United*
12 *States mails in the same manner and under the same condi-*
13 *tions as other agencies of the Federal Government.*

14 (g) *GIFTS.*—*The Commission may accept, use, and*
15 *dispose of gifts or donations of services or property.*

16 (h) *ASSISTANCE FROM FEDERAL AGENCIES.*—

17 (1) *GENERAL SERVICES ADMINISTRATION.*—*The*
18 *Administrator of General Services shall provide to the*
19 *Commission on a reimbursable basis administrative*
20 *support and other services for the performance of the*
21 *functions of the Commission.*

22 (2) *OTHER DEPARTMENTS AND AGENCIES.*—*In*
23 *addition to the assistance under paragraph (1), de-*
24 *partments and agencies of the United States may pro-*
25 *vide to the Commission such services, funds, facilities,*

1 *staff, and other support services as they may deter-*
2 *mine advisable and as may be authorized by law.*

3 **SEC. 1716. FUNDING.**

4 (a) *IN GENERAL.*—Subject to subsection (b) and the
5 *availability of appropriations, at the request of the chair-*
6 *person of the Commission, the Secretary of Homeland Secu-*
7 *rity shall transfer funds, as specified in advance in appro-*
8 *priations Acts and in a total amount not to exceed*
9 *\$1,000,000, to the Commission for purposes of carrying out*
10 *the activities of the Commission as provided in this subtitle.*

11 (b) *DURATION OF AVAILABILITY.*—Amounts trans-
12 *ferred to the Commission under subsection (a) shall remain*
13 *available until the date on which the Commission termi-*
14 *nates.*

15 (c) *PROHIBITION ON NEW FUNDING.*—No additional
16 *funds are authorized to be appropriated to carry out this*
17 *Act. This Act shall be carried out using amounts otherwise*
18 *available for the Department of Homeland Security and*
19 *transferred under subsection (a).*

20 **SEC. 1717. PERSONNEL.**

21 (a) *EXECUTIVE DIRECTOR.*—The Commission shall
22 *have an Executive Director who shall be appointed by the*
23 *chairperson with the concurrence of the vice chairperson.*
24 *The Executive Director shall be paid at a rate of pay estab-*
25 *lished by the chairperson and vice chairperson, not to exceed*

1 *the annual rate of basic pay payable for level V of the Exec-*
2 *utive Schedule under section 5316 of title 5, United States*
3 *Code.*

4 (b) *STAFF OF THE COMMISSION.—The Executive Di-*
5 *rector of the Commission may appoint and fix the pay of*
6 *additional staff as the Executive Director considers appro-*
7 *priate.*

8 (c) *DETAILEES.—Any Federal Government employee*
9 *may be detailed to the Commission without reimbursement*
10 *from the Commission, and such detailee shall retain the*
11 *rights, status, and privileges of his or her regular employ-*
12 *ment without interruption.*

13 (d) *CONSULTANT SERVICES.—The Commission is au-*
14 *thorized to procure the services of experts and consultants*
15 *in accordance with section 3109 of title 5, United States*
16 *Code, but at rates not to exceed the daily rate paid a person*
17 *occupying a position at level IV of the Executive Schedule*
18 *under section 5315 of title 5, United States Code.*

19 **SEC. 1718. TERMINATION.**

20 *The Commission shall terminate not later than 1 year*
21 *after the date of enactment of this Act.*

1 **Subtitle C—Technical and**
2 **Conforming Amendments**

3 **SEC. 1731. TECHNICAL AMENDMENTS TO THE HOMELAND**

4 **SECURITY ACT OF 2002.**

5 (a) *TITLE IV.—Title IV of the Homeland Security Act*
6 *of 2002 (6 U.S.C. 201 et seq.) is amended as follows:*

7 (1) *In section 427 (6 U.S.C. 235), by striking*
8 *subsection (c).*

9 (2) *By striking section 431 (6 U.S.C. 239).*

10 (3) *In section 476 (6 U.S.C. 296)—*

11 (A) *by striking “the Bureau of Citizenship*
12 *and Immigration Services” each place the term*
13 *appears and inserting “United States Citizen-*
14 *ship and Immigration Services”; and*

15 (B) *by striking “the Bureau of Border Secu-*
16 *rity” each place the term appears and inserting*
17 *“U.S. Immigration and Customs Enforcement”.*

18 (4) *In section 478 (6 U.S.C. 298)—*

19 (A) *in the section heading, by inserting*
20 *“**ANNUAL REPORT ON**” before “**IMMIGRA-***
21 ***TION**”;*

22 (B) *by striking subsection (b);*

23 (C) *in subsection (a)—*

1 (i) by striking “*REPORT.—*” and all
 2 that follows through “*One year*” and insert-
 3 ing “*REPORT.—One year*”; and

4 (ii) by redesignating paragraph (2) as
 5 subsection (b) and adjusting the margin ac-
 6 cordingly; and

7 (D) in subsection (b), as so redesignated—

8 (i) in the heading, by striking “*MAT-*
 9 *TER INCLUDED*” and inserting “*MATTER*
 10 *INCLUDED*”; and

11 (ii) by redesignating subparagraphs
 12 (A) through (H) as paragraphs (1) through
 13 (8), respectively, and adjusting the margin
 14 accordingly.

15 (b) *TITLE VIII.—Section 812 of the Homeland Secu-*
 16 *rity Act of 2002 (Public Law 107–296; 116 Stat. 2222; 5*
 17 *U.S.C. App., note to section 6 of Public Law 95–452) is*
 18 *amended as follows:*

19 (1) *By redesignating such section 812 as section*
 20 811.

21 (2) *By striking subsections (a) and (c).*

22 (3) *In subsection (b)—*

23 (A) *by striking “(as added by subsection (a)*
 24 *of this section)” each place it appears;*

1 (B) by redesignating paragraphs (2), (3),
2 and (4) as subsections (b), (c), and (d), respec-
3 tively, and adjusting the margin accordingly;

4 (C) in paragraph (1), by redesignating sub-
5 paragraphs (A) and (B) as paragraphs (1) and
6 (2), respectively, and adjusting the margin ac-
7 cordingly; and

8 (D) by striking “(b) PROMULGATION OF INI-
9 TIAL GUIDELINES.—” and all that follows
10 through “In this subsection” and inserting the
11 following:

12 “(a) DEFINITION.—In this section”.

13 (4) In subsection (b), as so redesignated, by
14 striking “IN GENERAL” and inserting “IN GENERAL”.

15 (5) In subsection (c), as so redesignated, by strik-
16 ing “MINIMUM REQUIREMENTS” and inserting “MIN-
17 IMUM REQUIREMENTS”.

18 (6) In subsection (d), as so redesignated, by
19 striking “NO LAPSE OF AUTHORITY” and inserting
20 “NO LAPSE OF AUTHORITY”.

21 (c) TITLE IX.—Section 903(a) of the Homeland Secu-
22 rity Act of 2002 (6 U.S.C. 493(a)) is amended in the sub-
23 section heading by striking “MEMBERS—” and inserting
24 “MEMBERS.—”.

1 (d) *TABLE OF CONTENTS.*—*The table of contents in*
2 *section 1(b) of the Homeland Security Act of 2002 is*
3 *amended as follows:*

4 (1) *By striking the item relating to section 478*
5 *and inserting the following:*

“Sec. 478. Annual report on immigration functions.”.

6 (2) *By striking the items relating to sections 811*
7 *and 812 and inserting the following:*

“Sec. 811. Law enforcement powers of Inspector General agents.”.

Calendar No. 381

115TH CONGRESS
2^D SESSION

H. R. 2825

AN ACT

To amend the Homeland Security Act of 2002 to make certain improvements in the laws administered by the Secretary of Homeland Security, and for other purposes.

APRIL 16, 2018

Reported with an amendment